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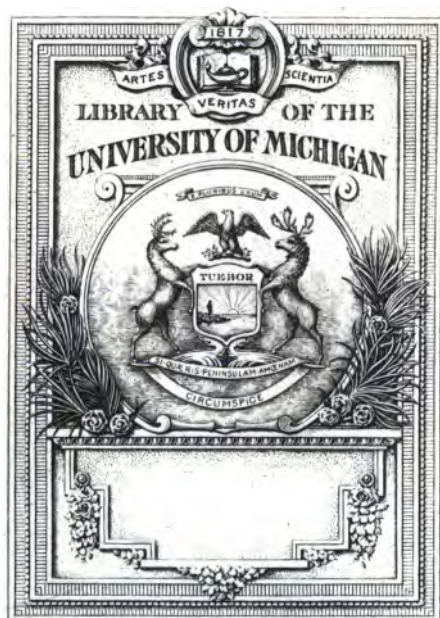
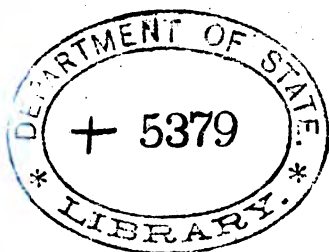
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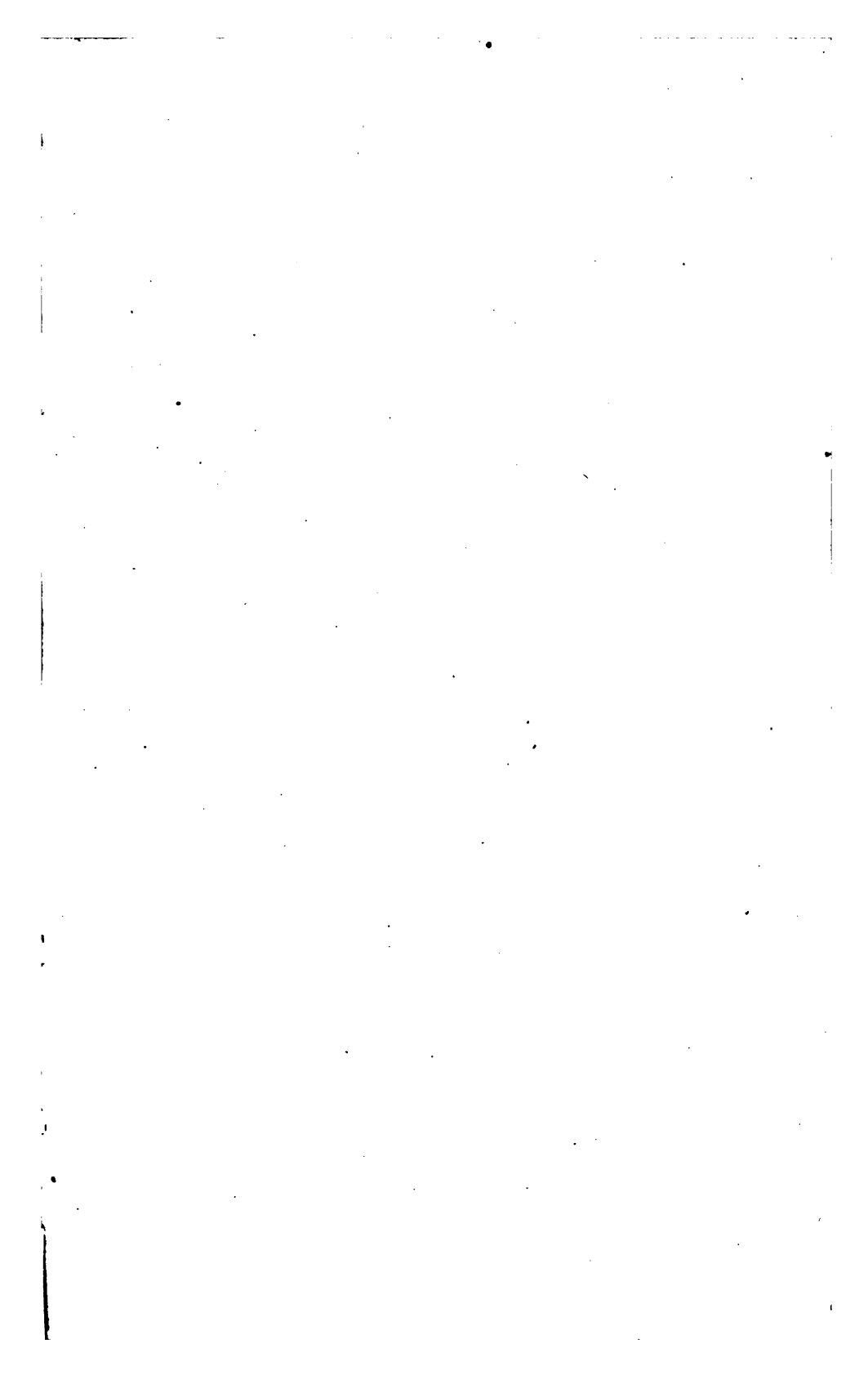
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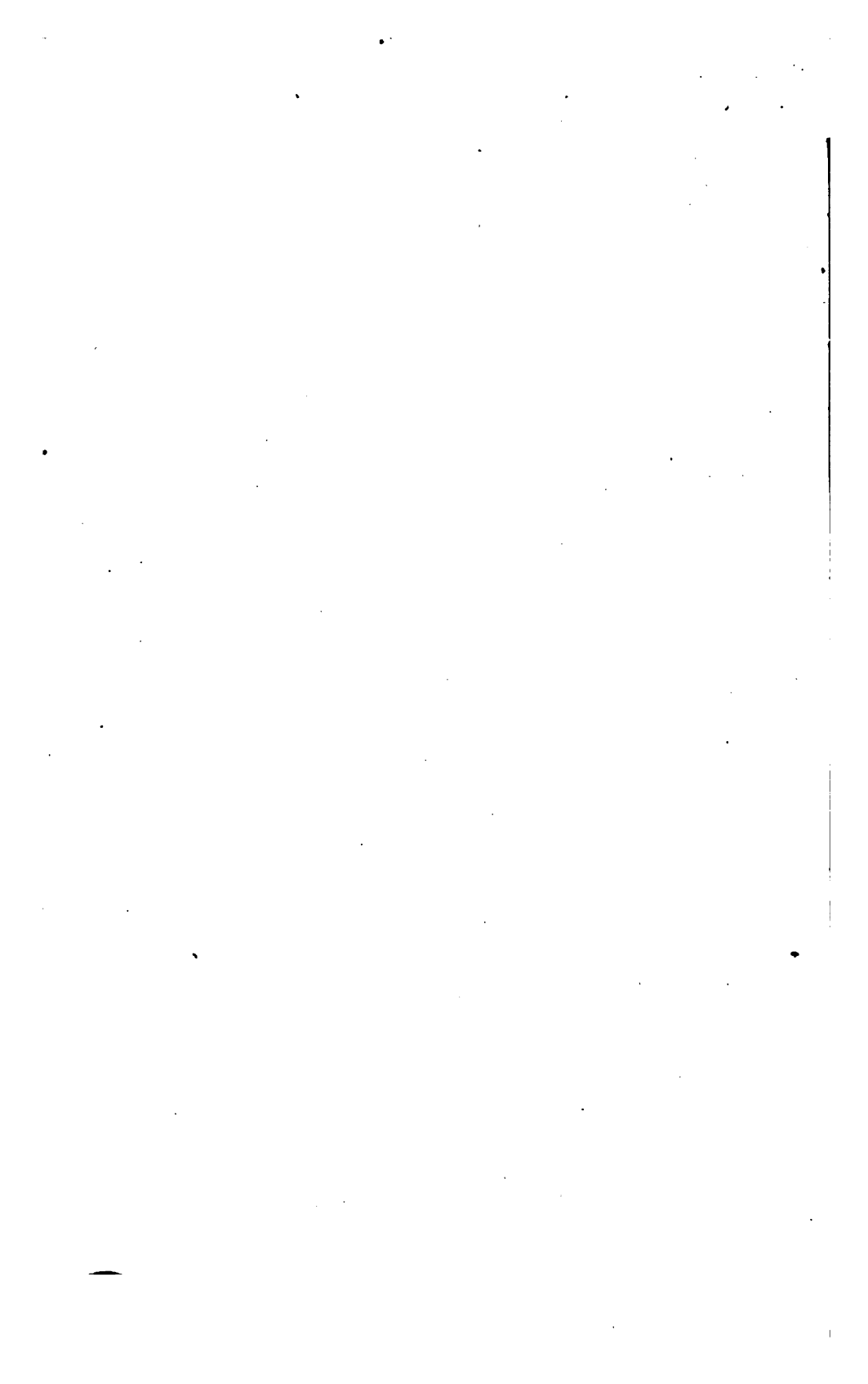
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Vermont, General assembly. Senate

JOURNAL

OF

THE SENATE

OF THE

STATE OF VERMONT,

ANNUAL SESSION, 1869.



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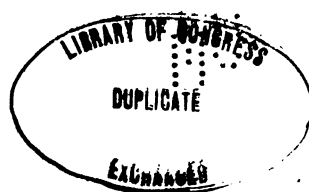
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JOURNAL OF THE SENATE.

THURSDAY, OCTOBER 14, 1869.

Pursuant to the provisions of the Constitution and Laws of the State of Vermont, the Senate convened in the State House, at Montpelier, on the second Thursday, being the fourteenth day of October, in the year of our Lord one thousand eight hundred and sixty-nine.

At ten o'clock in the forenoon, the Senate was called to order by his Honor, STEPHEN THOMAS, the President.

Prayer was offered by the Rev. P. B. Fisk of Peacham.

The roll of the Senate was called, whereupon it appeared that the following named Senators were present, and they were duly sworn by the President, and severally subscribed the oaths of office :

Caledonia County.....	HARLEY M. HALL.
Franklin County.....	HOMER E. ROYCE.
Lamoille County.....	ASA R. CAMP.
Orange County.....	JAMES HUTCHINSON, JR.
Orleans County.....	WILLIAM G. ELKINS.
	JERRY E. DICKERMAN.
Washington County.....	CHARLES DEWEY,
	CHARLES H. HEATH.
Windsor County.....	WILLIAM M. PINGRY.

No quorum of the Senate being present, on motion of Mr. Dewey, the Senate adjourned at half past ten, A. M.

AFTERNOON.

William Collamer, a Senator elect from the County of Windsor, appeared at the bar of the Senate, and received and subscribed the oaths of office.

Mr. Hutchinson of Orange moved that when the Senate adjourns, it adjourn until ten o'clock to-morrow morning; which was agreed to.

On motion of Mr. Hutchinson of Orange, the Senate adjourned at two o'clock and twenty minutes.

FRIDAY, OCTOBER 15, 1869.

Prayer by Rev. P. B. Fisk of Peacham.

The following named Senators elect appeared at the bar of the Senate, and received and subscribed the oaths of office :

Addison County.....	ROLLIN J. JONES.
Bennington County.....	FRANKLIN H. ORVIS.
Chittenden County.....	EZRA B. GREEN,
	A. B. HALBERT.
Essex County.....	GEORGE N. DALE.
Orange County.....	ROSWELL FARNHAM.
Rutland County.....	GEORGE A. MERRILL.
Washington County.....	J. H. HASTINGS.
Windham County.....	DAVID GOODELL.
Windsor County.....	ALBERT G. DEWEY.

Mr. Dewey of Washington introduced the following resolution, which was read and adopted :

Resolved, That the Senate rules for 1868 be adopted as the rules of the Senate till others are adopted.

Mr. Heath submitted the following resolution, which was read and adopted :

Resolved, That the Senate do now proceed to the election of a Secretary.

The President appointed as tellers, Senators Dale and Dewey of Windsor.

The ballots having been taken and examined for Secretary, it appeared that

HENRY CLARK

of Rutland, having received all the votes cast, was elected, and he presented himself at the bar of the Senate and was duly sworn.

Mr. Royce offered the following resolution, which was read and adopted:

Resolved, That the Senate now proceed to the election of Assistant Secretary of the Senate.

The President appointed as tellers, Senators Royce and Dewey of Washington.

The ballots having been taken and examined for Assistant Secretary, it appeared that

MASON B. CARPENTER

of Barre, having received all the votes cast, was elected, and he presented himself at the bar of the Senate and was duly sworn.

Mr. Halbert introduced the following resolution, which was read and adopted:

Resolved, That the Senate do now proceed to the election of a Chaplain for the year ensuing.

On motion of Mr. Halbert, the election was made *viva voce*, and the

REV. PERRIN B. FISK

of Peacham, was elected.

Mr. Hutchinson of Orange submitted the following resolution, which was read and adopted:

Resolved, That the Secretary be and is hereby directed to inform the House of Representatives that a quorum of the Senate have assembled, and organized by the election of Henry Clark, Secretary, and Mason B. Carpenter, Assistant Secretary, and are ready, on their part, to proceed with the business of the session.

Mr. Heath offered the following resolution, which was read and adopted:

Resolved, That a committee of two senators be appointed to inform the Governor that the Senate have organized, and are now ready, on their part, to proceed with the business of the session.

The President appointed as the committee to wait on his Excellency, the Governor,

Senator Heath of Washington,

“ Collamer of Windsor.

Mr. Dewey of Washington offered the following resolution :

Resolved, That the Secretary be directed to furnish each Senator and officer of the Senate with one daily newspaper printed in this State, to be designated by the Senator or officer ;

Which was read and adopted.

Mr. Heath, from the Committee to wait upon his Excellency, the Governor, and inform him of the organization of the Senate, reported that they had performed the duty assigned them.

On motion of Mr. Hall, the Senate adjourned.

AFTERNOON.

A message was received from his Excellency, the Governor, by Mr. Burnham, Secretary of Civil and Military Affairs, as follows :

Mr. PRESIDENT: I am directed by the Governor to deliver to the Senate a communication in writing with an accompanying document.

The following named Senators elect appeared at the bar of the Senate, received and subscribed the oaths of office :

Addison County.....	WILLIAM P. NASH.
Chittenden County.....	GRENVILLE G. BENEDICT.
Rutland County.....	LUCIUS COPELAND.

The President laid before the Senate the following communication from his Excellency, the Governor:

STATE OF VERMONT,
Executive Chamber, Montpelier, Oct. 15, 1869. }
To the President of the Senate :

SIR: I have the honor to transmit for the use of the General Assembly, the report of the Committee to whom was entrusted the erection of a monument to the memory of Ethan Allen, in Green Mount Cemetery at Burlington, and commend said report to your consideration.

JOHN B. PAGE.

The report of the Committee on the erection of a monument to Ethan Allen, was read, and, on motion of Mr. Dewey of Washington,

Ordered to lie.

(For Report, see Appendix.)

A message was received from his Excellency, the Governor, by Mr. Burnham, Secretary of Civil and Military Affairs, as follows:

MR. PRESIDENT: I am directed by the Governor to deliver to the Senate a communication in writing with an accompanying document.

The President laid before the Senate the following communication from his Excellency, the Governor, as follows:

STATE OF VERMONT,
Executive Chamber, Oct. 15, 1869. }
To the Senate and House of Representatives :

I have the honor to transmit herewith for the use of the General Assembly, the official copy of the proposed Fifteenth Article to the Constitution of the United States. The proposed Amendment so accords with the spirit and letter of our Constitution, and its principles have been so often affirmed by the action of the Fathers of our State, that your prompt action in ratifying it cannot but meet the approval of our people.

In retiring from the discharge of the duties to which the suffrages of the Electors have called me, permit me, through you, to express to the people of Vermont my heartfelt thanks for the considerate kindness with which my official acts have been received.

JOHN B. PAGE.

A message was received from the House of Representatives, by Mr. Camp, their chief Clerk, as follows:

Mr. PRESIDENT: I am directed by the House of Representatives to inform the Senate that a quorum of the House has assembled in the Representatives Hall, and the House has organized by the election of George W. Grandey, representative of the city of Vergennes, Speaker, and David M. Camp of Newport, Clerk, and that the House are ready, on their part, to proceed with the business of the session.

Mr. Dewey offered the following joint resolution, which was read and adopted on the part of the Senate:

Resolved by the Senate and House of Representatives, That the joint rules of the last session be the joint rules of the present session, until others are adopted.

The President laid before the Senate the following certified copy of "A Resolution Proposing an Amendment to the Constitution of the United States:—"

UNITED STATES OF AMERICA, }
Department of State. }

To all to whom these presents shall come, Greeting:

I certify, that annexed is a true copy of a Concurrent Resolution of Congress, entitled "A resolution proposing an amendment to the Constitution of the United States," the original of which resolution, received to-day, is on file in this Department.

In testimony whereof, I, WILLIAM H. SEWARD, Secretary of State of the United States, have hereunto subscribed my name, and caused the seal of the Department of State to be affixed.

Dated at the city of Washington, this twenty-seventh day of February, A. D. 1869, and of the Independence of the United States of America, the ninety-third.

WILLIAM H. SEWARD.

[Concurrent Resolution received at Department of State, February 27, 1869.]

A RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, (two-thirds of both houses concurring,)

That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as part of the Constitution, namely :

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

SCHUYLER COLFAX,

Speaker of the House of Representatives.

B. F. WADE,

President of the Senate, pro tempore.

Attest,

EDW'D McPHERSON,

Clerk of the House of Representatives.

GEO. C. GORHAM,

Secretary of Senate, U. S.

Which was read, and referred to the Committee under the Fourth Joint Rule.

A message was received from the House of Representatives, by Mr. Camp, their chief Clerk, as follows :

Mr. PRESIDENT : The House have considered a joint resolution from the Senate, providing for the adoption of Joint Rules, and have adopted the same in concurrence.

On motion of Mr. Pingry, so much of Senate Rule No. one, as requires the appointment of a canvassing committee from each county unrepresented, be suspended.

The President appointed the following named Senators as the joint committee on the part of the Senate, to canvass the votes for Governor, Lieutenant Governor and Treasurer :

Addison County	Mr. Jones,
Bennington County	" Orvis,
Caledonia County	" Hall,
Chittenden County	" Halbert,
Essex County	" Dale,
Franklin County	" Royce,

Lamoille County	Mr. Camp,
Orange County	" Hutchinson,
Orleans County	" Elkins,
Rutland County	" Copeland,
Washington County	" Heath,
Windham County	" Goodell,
Windsor County	" Collamer.

Thereupon the Senate confirmed the nominations, and the committee were duly sworn.

On motion of Mr. Halbert, the Senate adjourned at three o'clock and five minutes.

SATURDAY, OCTOBER 16, 1869.

Prayer by the Chaplain.

Journals of Thursday and Friday were read, corrected and approved.

Jedd P. Ladd, Senator elect from the county of Grand Isle, appeared at the bar of the Senate, received and subscribed the oaths of office.

Mr. Hutchinson of Orange introduced the following joint resolution, which was read and adopted on the part of Senate :

Resolved by the Senate and House of Representatives, That the use of the Hall of the House of Representatives be tendered to the Vermont Historical Society, for their annual meeting, on Tuesday evening, Oct. 19th, 1869.

Mr. Dewey of Washington submitted the following joint resolution, which was read and adopted on the part of the Senate :

Resolved by the Senate and House of Representatives, That the use of the Hall of the House of Representatives be tendered to the Vermont Colonization Society for its semi-centennial Anniversary, on Thursday evening, Oct. 21, 1869.

A message was received from the House of Representatives, by Mr. Camp, their Clerk, as follows :

MR. PRESIDENT : I am directed to inform the Senate that the House have adopted, on their part, joint resolutions as follows :

A joint resolution providing for the adoption of the joint rules of last session ;

A joint resolution for a Joint Assembly to hear report of committee appointed to canvass votes for State officers ;

In the adoption of which the concurrence of the Senate is requested.

The House has appointed, on their part, the following committees :

Under Fourth Joint Rule :

Mr. Joyce of Rutland,
 “ Safford of Hartford,
 “ Dickey of Bradford.

*Committee to canvass votes for Governor, Lieut. Governor
 and Treasurer :*

Addison County.....	Mr. Strong of Addison, “ Washburn of Starksboro, “ Benedict of Cornwall.
Bennington County.....	“ Benton of Bennington, “ Graham of Winhall, “ Aldrich of Woodford.
Caledonia County.....	“ Humphrey of Burke, “ Ross of Waterford, “ Clark of Groton.
Chittenden County.....	“ Weed of Shelburne, “ Isham of St. George, “ Bishop of Bolton.
Essex County.....	“ Freeman of Guildhall, “ Nichols of Lunenburg, “ Taylor of Brunswick.
Franklin County.....	“ Burt of Swanton, “ Brown of Richford, “ Soule of Fairfield.
Grand Isle County.....	“ Gordon of Grand Isle, “ Keeler of South Hero, “ Parks of North Hero.
Lamoille County.....	“ Smith of Stowe, “ Page of Hydepark, “ Holmes of Waterville.

Orange County.....	Mr. King of Tunbridge,
	“ Allis of Brookfield,
	“ Eaton of Corinth.
Orleans County.....	“ Miles of Albany,
	“ Severance of Glover,
	“ Boynton of Holland.
Rutland County.....	“ Southwick of Middletown,
	“ Peabody of Pittsford,
	“ Foster of Sudbury.
Washington County.....	“ Ormsby of Waterbury,
	“ Stanton of Roxbury,
	“ Wooster of Marshfield.
Windham County.....	“ Lynde of Marlboro,
	“ Phelps of Grafton,
	“ Goodell of Westminster.
Windsor County.....	“ Richmond of Woodstock,
	“ Pierce of Cavendish,
	“ Simons of Bridgewater.

A joint resolution from the House of Representatives :

Resolved by the Senate and House of Representatives,

That the joint rules of the last session be the joint rules of the present session until others are adopted ;

Which was read, and, on motion of Mr. Heath,

Ordered to lie.

A joint resolution from the House of Representatives :

Resolved by the Senate and House of Representatives,

That the two Houses meet in Joint Assembly to-morrow morning, at 11 o'clock, to hear the report of the committee appointed to canvass the votes for Governor, Lieutenant Governor and Treasurer.

Mr. Pingry moved to propose to the House to amend, by striking therefrom the words “*to-morrow morning, at 11 o'clock,*” and inserting in place thereof the words “*this afternoon, at 2½ o'clock ;*”

Which was agreed to, and the resolution adopted in concurrence, with a proposal of amendment.

On motion of Dewey of Washington, the resolution adopted yesterday, providing for the suspension of Rule 1, of the Senate, so far as related to counties unrepresented, was rescinded.

On motion of Mr. Royce, the committee to canvass the

votes for Governor, Lieutenant Governor and Treasurer, were granted leave to sit during the session of the Senate.

A message was received from the House of Representatives, by Mr. Camp, their Clerk, as follows :

MR. PRESIDENT : I am directed to inform the Senate that the House have appointed, on their part, as members of the committee on Joint Rules :

Mr. Wales of Burlington,
" Hinckley of Chelsea.

They have also considered Senate proposal of amendment to joint resolution providing for Joint Assembly to hear report of committee appointed to canvass votes for Governor, Lieutenant Governor and Treasurer, and have agreed thereto.

On motion of Mr. Dewey of Windsor, the Senate adjourned at eleven o'clock and five minutes.

AFTERNOON.

On motion of Mr. Dale, the Senate proceeded to the election of Standing Committees, for the present session ;

The vote having been taken, the several committees were elected as follows :

On Finance :

Mr. Dewey of Washington,
" Ladd,
" Nash.

Judiciary :

Mr. Heath,
" Wheeler,
" Pingry,
" Royce,
" Dickerman.

Claims :

Mr. Green,
" Hastings,
" Orvis,
" Hutchinson of Orange,
" Camp.

Education :

Mr. Farnham,
" Benedict,
" Collamer,
" Hutchinson of Franklin,
" Merrill.

Agriculture :

Mr. Hall,
" Halbert,
" Goodell.

Manufactures :

Mr. Elkins,
" Saxe,
" Dewey of Windsor.

Elections :

Mr. Hutchinson of Franklin,
" Hutchinson of Orange,
" Jones.

Military Affairs :

Mr. Farnham,
" Ladd,
" Benedict.

Railroads :

Mr. Royce,
" Jones,
" Dickerman.

Banks :

Mr. Clark,
" Nash,
" Hastings.

Land Taxes :

Mr. Hutchinson of Orange,
" Hall,
" Orvis.

Printing :

Mr. Camp,
 " Fairbanks,
 " Green.

General Committee :

Mr. Halbert,
 " Fairbanks,
 " Merrill.

Federal Relations :

Mr. Clark,
 " Heath,
 " Collamer.

Highways and Bridges :

Mr. Hutchinson of Franklin,
 " Goodell,
 " Copeland.

A message was received from the House of Representatives, by Mr. Camp, their Clerk, as follows :

MR. PRESIDENT: I am directed to inform the Senate that the House have, on their part, appointed the following named gentlemen as members of the committee to canvass votes for county officers and judges of probate :

Addison County.....	Mr. Barnes of Ferrisburgh, " North of Shoreham, " Clark of Lincoln.
Bennington County.....	" Shuffleton of Sunderland, " Moore of Landgrove, " Peak of Stamford.
Caledonia County.....	" Hall of St. Johnsbury, " Bigelow of Ryegate, " Hooker of Peacham.
Chittenden County.....	" Baldwin of Hinesburgh, " Rice of Westford, " Barrett of Underhill.
Essex County.....	" Merrill of Bloomfield, " Chase of Concord, " Read of Granby.
Franklin County.....	" Purmort of Georgia, " Brigham of Bakersfield, " Hopkins of Montgomery.

Grand Isle County.....	Mr. Gordon of Grand Isle, “ Parks of North Hero, “ Keeler of South Hero.
Lamoille County	“ Wetherby of Cambridge, “ Manning of Johnson, “ White of Eden.
Orange County.....	“ Dow of Strafford, “ Bailey of Newbury, “ Abbott of Fairlee.
Orleans County	“ Cowles of Coventry, “ Aiken of Troy, “ Gibb of Salem.
Rutland County.....	“ Peabody of Pittsford, “ Cobb of Tinmouth, “ Hewett of Chittenden.
Washington County	“ Coburn of E. Montpelier, “ Holmes of Moretown, “ Paine of Cabot.
Windham County.....	“ Upham of Windham, “ Wheat of Putney, “ Whitney of Brookline.
Windsor County	“ Pratt of Pomfret, “ Smith of Hartland, “ Scott of Plymouth.

The Speaker has announced the appointment, agreeably to law, of the following named persons as Reporters of the House of Representatives, to wit:

Andrew C. Brown of Montpelier,
Charles F. Dodge “

The Clerk has appointed as his Assistants for the year ensuing,

Henry N. Newell of Shelburne,
Edwin T. White of Woodstock,
Calvin J. B. Harris of Danville.

The House have also considered joint resolutions from the Senate, granting the use of the Hall of the House of Representatives to the Vermont Historical Society, and to the Vermont Colonization Society, and have adopted the same in concurrence.

Mr. Pingry introduced the following resolution :

Resolved, That the Senate remain in the Hall of the House of Representatives after the dissolution of the Joint Assembly appointed to canvass the votes for Governor, Lieu-

tenant Governor and Treasurer, for the purpose of receiving the Message of the Governor ;

Which was read, considered, and by unanimous consent was withdrawn.

The hour having arrived for a meeting of the Joint Assembly, the Senate repaired to the Hall of the House of Representatives, and having returned therefrom,

Mr. Pingry offered the following resolution :

Resolved, That the Senate repair to the Hall of the House of Representatives at three o'clock this afternoon, to receive the Message of the Governor ;

Which was read and adopted.

Mr. Ladd introduced the following resolution, which was read and adopted :

Resolved, That a committee of two Senators be appointed by the President to wait upon his Honor, George W. Hendee, and inform him of his election to the office of Lieutenant Governor for the year ensuing.

The President appointed as the committee to wait on his Honor the Lieutenant Governor, and inform him of his election,

Senator Ladd,
" Farnham.

The committee appointed to wait upon the Lieutenant Governor elect appeared at the bar of the Senate, accompanied by his Honor, George W. Hendee, who took and subscribed the oath of office required by the Constitution, and, upon taking the chair, addressed the Senate as follows :

Honorable Senators : It is with pleasure that I accept this trust, and allow me to offer through you to the Freemen of Vermont, that deep gratitude which always springs from the inside, but never from the outside, for having so unanimously tendered me this pleasant and desirable position.

I am sensibly impressed with the honor it brings, and the responsibilities of its duties, and when I look back upon the successes of those who have preceded me, I realize my own inability to so preside over your deliberations, as to make myself their equal. But, if I have your aid in the discharge of my duties, which I ask, I may hope to succeed.

Mr. Dickerman moved a reconsideration of the vote adopting the resolution offered by Mr. Pingry, relative to the reception of the Governor's Message;

Which was disagreed to.

The Senate took a recess for the purpose of receiving the Message of his Excellency, the Governor; and, having returned from the Hall of the House of Representatives, the President resumed the chair.

The President laid before the Senate the following communication from his Excellency, the Governor:

STATE OF VERMONT, }
Executive Chamber, October 16, 1869. }

To the President of the Senate:

SIR: I have the honor to inform the Senate that I have appointed John W. Marsh Secretary of Civil and Military Affairs.
PETER T. WASHBURN.

On motion of Mr. Dickerman, the following named Senators were elected the

Committee on Rules:

Mr. Dale,
" Heath,
" Farnham.

Mr. Heath, from the Committee on Rules, submitted the following report, and the rules reported were adopted as the Rules of the Senate:

SENATE CHAMBER, }
October 16, 1869. }

To the Honorable Senate now in session:

Your Committee on Rules respectfully recommend the permanent adoption of the following rules as the Rules of the Senate for this session.

GEORGE N. DALE,
C. H. HEATH,
ROSWELL FARNHAM.

RULES OF THE SENATE.

1.

The credentials of senators shall be presented to the Secretary or Assistant Secretary previous to ten o'clock on the morning of the second Thursday of October, at which time the Senate shall be called to order. The names of the sen-

ators shall be called over, and when a quorum shall have taken their seats, they shall take the following oath, viz.: "I —, a senator for the county of —, in the State of Vermont, October session, 18—, do solemnly swear that I will be faithful and true to the State of Vermont, and that I will not, directly or indirectly, do any act or thing injurious to the constitution or government thereof, as established by convention. So help me God. And I also solemnly swear that, as a member of the Senate, I will not propose or assent to any bill, vote, or resolution, which shall appear to me injurious to the people, nor do or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the Constitution of this State; but will in all things conduct myself as a faithful, honest representative and guardian of the people, according to the best of my judgment and abilities. So help me God." Whereupon they shall, on nomination of the President, appoint a canvassing committee, consisting of one senator from each county, to join such committee as the House of Representatives may appoint, whose duty shall be to receive, sort and count the votes for Governor, Lieutenant Governor and Treasurer, and make report thereof to the Joint Assembly of both Houses.

2.

The Senate shall meet every day (Sundays excepted,) at ten o'clock in the morning and two o'clock in the afternoon, unless otherwise specially ordered.

3.

The President having taken the chair, and a quorum being present, the journal of the preceding day shall be read, and all the errors therein corrected.

4.

In case no quorum shall assemble within fifteen minutes after the time to which the Senate was adjourned, those present shall have the power to send the Sergeant-at-Arms, or other officer, after the absentees, and compel their attendance.

5.

Whenever the Senate shall assemble according to adjournment, or at the commencement of a session, and the Presi-

dent shall be absent, it shall be the duty of the Secretary, if present, if not of a senator, to call to order ; and the senators present, if a quorum, shall by ballot elect a President *pro tempore*.

6.

No senator shall be absent without leave, unless he is sick, or otherwise necessarily detained.

7.

No senator shall audibly speak to another, or otherwise interrupt the business of the Senate while the journal or other public papers are being read, or while a senator is orderly speaking in debate.

8.

Every senator when he speaks shall, standing in his place, address the President, and when he has finished shall sit down.

9.

No member shall speak more than twice on the same question without leave of the Senate ; and senators who have once spoken shall not again be entitled to the floor, (except for the purpose of explanation,) to the exclusion of another who has not spoken.

10.

In all cases, the senator first rising and addressing the President (subject to the restriction of rule 9) shall be entitled to the floor, and when two or more arise at the same time the President shall name the one who is to speak.

11.

When a senator shall be called to order he shall sit down ; and every question of order shall be decided by the President without debate, subject to an appeal to the Senate.

12.

If a senator be called to order for words spoken, the exceptional words shall be immediately taken down in writing by the senator calling to order, that the President may be better enabled to judge of the matter.

13.

The first hour of each morning's sitting may be devoted to the reception and disposal of petitions, memorials and remonstrances, motions, resolutions, and the introduction of bills; after which the orders of the day or other proper business shall be announced, always commencing with the unfinished business of the last sitting. The first hour of the afternoon's sitting may be occupied in receiving and disposing of reports of committees, and in completing the business of the morning hour; at the expiration of which the Senate will again take up the orders of the day.

14.

Reports of committees may be signed by any member in behalf of the committee, and shall be by him presented to the Senate when the call for reports is made. The signer of each report shall be held responsible for the accuracy of its statements and the propriety of its language, and when the same shall be under consideration he shall be further liable to give additional statements of facts or other explanations in answer to the call of any senator.

15.

The proceedings of the Senate, except when acting as in Committee of the Whole, embracing the titles of bills and such parts thereof as may be affected by the proposed amendment, and also the names of senators and the votes which they give on every question decided by yeas and nays, shall be by the Secretary accurately and concisely inserted in the journal.

16.

The Senate shall annually, within the first four days of actual sitting, elect, by ballot, a Secretary and an Assistant Secretary, who shall be severally sworn to the faithful discharge of their duties, and shall hold their offices until superseded by a new election. The Assistant Secretary shall be, *ex officio*, engrossing clerk.

17.

At each annual session the Senate shall appoint the following committees to consist of three members each, except

that the committees on the Judiciary, on Claims, and on Education shall consist of five (5) members each, to wit :

- A Committee on Rules.
- A Committee on Finance.
- A Committee on the Judiciary.
- A Committee on Claims.
- A Committee on Education.
- A Committee on Agriculture.
- A Committee on Manufactures.
- A Committee on Elections.
- A Committee on Military Affairs.
- A Committee on Railroads.
- A Committee on Highways and Bridges.
- A Committee on Banks.
- A Committee on Land Taxes.
- A Committee on Printing.
- A General Committee.
- A Committee on Federal Relations.

All select committee shall be appointed by the President, unless otherwise ordered by the Senate.

18.

All bills after the second reading, and all petitions, memorials, remonstrances, resolutions, and other papers, calling for legislative action, (except such as have been reported by a committee,) no objection being made, shall be referred by the President to appropriate committees.

19.

Before any resolution, any petition, or other paper addressed to the Senate, shall be received and read, whether the same shall be introduced by the President or a senator, the title shall be fairly endorsed thereon, and a brief statement of its objects or contents shall be made by the introducer.

20.

Every motion shall be reduced to writing by the mover, if required thereto by the President or a senator, and a motion to lay another motion, the latter not being in writing, on the table, or otherwise to dispose of it, shall not be in order.

21.

Every bill shall receive three readings before it is passed ;

the President shall give notice at each reading whether it be the first, second or third; the last of which reading of public bills shall be at least twenty-four hours after the first reading, unless the Senate unanimously direct otherwise; provided, that bills may be read the second time by their title. Resolutions requiring the approbation and signature of the Governor shall be treated in all respects as bills; and the third reading of all bills of a public nature shall be ordered for some particular day. Each and every nomination made by the Governor to be confirmed by the Senate shall lie over at least twenty-four hours between such nomination and the confirmation thereof.

22.

On motion of a senator, public bills, after the second reading, may be referred to a committee of the whole.

23.

Every bill originating in the Senate shall, before it is read the third time, be fairly engrossed. No amendment shall be received at the third reading, but it may be committed for amendment at any time before its final passage.

24.

Motions on bills and resolutions shall be sustained in the following order: 1. To postpone indefinitely. 2. To lay on the table. 3. To commit. 4. To amend.

25.

A call for the previous question shall not at any time be in order. A motion to adjourn shall always be in order, and shall be decided without debate.

26.

If the question in debate contains several points, the same may be divided on the demand of a senator. A motion to strike out and insert shall not be divided, but the rejection of a motion to strike out and insert one proposition shall not preclude a motion to strike out and insert a different one, or a motion simply to strike out; nor shall the rejection of a motion simply to strike out, prevent a subsequent one to strike out and insert.

27.

In filling blanks the largest sum and the longest time shall be first in order.

28.

When the reading of a paper is called for, and the same is objected to by a senator, the question shall be determined by a vote of the Senate.

29.

The yeas and nays shall be taken on the call of a senator, and every senator present shall vote, unless excused by the Senate; but no senator shall be compelled to vote who was absent when the question was stated by the President, nor shall any one be permitted to vote who was absent when his name was called, nor after the decision of the question has been announced from the Chair.

30.

No senator in the minority, nor one who did not vote on the decision of a question, shall have a right to move a reconsideration thereof: nor shall any motion for reconsideration be in order unless made before the close of the next day of actual sitting of the Senate, after that in which the vote was taken, and before the bill, resolution, report, amendment, address or motion, upon which the vote was taken, shall, in the regular progress of business, have gone out of the possession of the Senate.

31.

On all questions, in the decision of which a simple majority is required, when the Senate is equally divided, the Secretary shall take the casting vote of the President. In all such cases, a motion for reconsideration, if made in time, shall be in order from any senator who voted on the question.

32.

The President shall have the right to call upon any senator to discharge the duties of the Chair, whenever he shall find it necessary temporarily to retire: but such substitution shall not extend beyond more than one adjournment.

33.

The Senate having taken the final vote on any question, the same shall not again be in order during the same session, in any form whatever, except by way of reconsideration; and when a motion for reconsideration has been decided, that decision shall not be reconsidered.

34.

No proposition to amend the rules of the Senate, or the joint rules of both houses, shall be acted on until the same shall have been before the Senate at least twenty-four hours; and no rule of the Senate shall be suspended except by the vote of three-fourths of the members present.

35.

Messages shall be sent to the House of Representatives by the Secretary or Assistant Secretary.

36.

Reporters may be placed on the floor of the Senate, under the direction of the Secretary, with the approbation of the President.

37.

No person shall be admitted within the lobby of the Senate Chamber, except the Governor, Treasurer of the State, Auditor of Accounts, members of the other House, Judges of the Supreme Court, Circuit Judges, Senators and Representatives in Congress, Ex-Governors and Lieut. Governors, Ex-Judges of the Supreme Court, Ex-Senators of the State Senate, District Judge and Attorney of the United States, members of other State Legislatures, Clerk and Assistant Clerks of the House of Representatives, and the Secretary of Civil and Military Affairs, and such ladies and gentlemen as the President or a senator may introduce.

38.

When in session the senators shall sit with their heads uncovered.

39.

Upon any disorderly conduct in the gallery, the President may order the same to be cleared.

40.

Whenever a bill or resolution is laid on the table, by order of the Senate, and shall have remained on the table twenty-four hours, it shall be subject to be taken up by the Chair, and presented for the consideration of the Senate, without a call or order on the subject.

41.

There shall be one Doorkeeper and one Assistant Doorkeeper of the Senate ; and the Secretary may appoint two boys to attend in the Senate Chamber.

42.

CHOICE OF SEATS.

At nine o'clock on the morning of the first day of the session and before the Senate shall be called to order, the Secretary shall place in a box prepared for the purpose, fourteen ballots, designating by name the several counties in the State, and shall proceed to draw therefrom impartially one ballot at a time until all are drawn. And as each ballot is drawn the senator or senators from the counties designated by such ballot, shall personally, if present, or may by proxy if absent, select his or their seat or seats. If any senator or senators from any county so drawn should not be present either personally or by proxy at the time of such drawing, the county next drawn shall have preference.

43.

At each annual session the Senate shall appoint, in addition to the standing committees provided for in rule 17, a committee to consist of three senators, entitled the Committee on Federal Relations.

44.

The subject matter of each and every bill and resolution shall be briefly indicated in its title by the mover ; and every bill and resolution shall be properly folded, and the name of the mover legibly written at the bottom of the same before its introduction.

The President laid before the Senate the following communication from his Excellency, the Governor :

STATE OF VERMONT,
Executive Chamber, Oct. 16, 1869. }

To the President of the Senate :

SIR : I have the honor to transmit to the Senate, herewith, the Message which I have delivered in the presence of the two Houses.

With high regard,
Your obedient Servant,
PETER T. WASHBURN.

The President laid before the Senate the annual Executive Message, which is as follows :

Gentlemen of the Senate

and House of Representatives :

Having been elected to the office of Chief Magistrate of this State, with a most earnest appreciation of the great responsibility, which the action of the people has imposed upon me, I have met with you, as required by the Constitution, to give to you such information and assistance, as may be in my power and be required by you to enable you faithfully to guard the interests of the Commonwealth, provide for the support of the government, and consider and decide upon such alterations and improvements, as you may deem necessary, of its laws and its policy,—trusting that in the performance of my duties I may enjoy your confidence, and, if need be, have the benefit of your kind forbearance, but above all, that we may each be gifted with that wisdom, which cometh only from God, without whose approval and assistance States, as well as individuals, are powerless for good, and whose acknowledgment and worship have been made by our fathers the corner stone of our Republic.

During the past year peace has prevailed throughout the land, contrasting most beautifully and significantly with the stormy excitement of the years of warfare for our National existence, through which we have so recently passed. The earth has yielded bountiful crops to its cultivators. No general epidemic, or disease, has prevailed within our borders. And business of all kinds has progressed without serious reverse, or financial disaster. For all which grateful thanks are due and should be reverently returned to the Divine Providence, from whence all blessings flow.

FINANCES.

The details of the present financial condition of the State and of the receipts and disbursements for the year are shown by the Reports of the Treasurer and of the Auditor of Accounts, which will be laid before you. The result may be briefly stated.

The total funded debt of the State at the present time is one million seventy-five thousand dollars, (\$1,075,000.00,) —which sum, however, includes twenty-seven thousand five hundred dollars, (\$27,500.00,) of bonds due in 1876 and 1878, which have been purchased by the Treasurer and have not been cancelled, but are held by him with a view of exchanging them, if found expedient, for bonds due in 1871. The excess of current liabilities over current resources is twenty-one thousand one hundred and eight dollars and forty-eight cents, (\$21,108.48.) The present apparent total liability of the State is therefore one million ninety-six thousand one hundred and eight dollars and forty-eight cents, (\$1,096,108.48.) But against this is to be offset the present amount of the sinking fund, which is seventy-five thousand six hundred and ninety-four dollars and two cents, (\$75,694.02,) and twenty-seven thousand five hundred dollars, (\$27,500.00) of bonds held by the Treasurer as before stated,—making the net liability not provided for nine hundred and ninety-two thousand nine hundred and fourteen dollars and forty-six cents, (\$992,914.46.) For all purposes, except that of exchange, these bonds held by the Treasurer may be treated as paid in determining the present financial condition of the State.

At the commencement of the year the funded debt was one million two hundred and twenty-seven thousand dollars, (\$1,227,000.00.) The excess of current resources over current liabilities was seventeen thousand four hundred and five dollars and forty-nine cents, (\$17,405.49.) Leaving the net liabilities at that time one million two hundred and nine thousand five hundred and ninety-four dollars and fifty-one cents, (\$1,209,594.51.) But the amount of the sinking fund then on hand, which was fifty-nine thousand six hundred and thirty-seven dollars and seventy-one cents, (\$59,637.71,) was applicable in reduction of that sum,—leaving the net liabilities of the State, not then provided for, one million one hundred and forty-nine thousand nine hundred and fifty-six dollars and eighty cents, (\$1,149,956.80.)

The funded debt has been reduced during the year, one

hundred and seventy-nine thousand five hundred dollars, (\$179,500.00)—which sum includes the bonds purchased, but not cancelled; and the net reduction of the total liability of the State during the year, treating those bonds as paid, has been one hundred and fifty-seven thousand forty-two dollars and thirty-four cents, (\$157,042.34.)

At the close of the war in 1865 the funded debt was one million six hundred and fifty thousand dollars, (\$1,650,000.00;) and the total liabilities of the State were one million eight hundred and thirty-four thousand one hundred and sixty-three dollars and ninety-six cents, (\$1,834,163.96.) During the four years which have elapsed since that time the funded debt has been reduced six hundred and two thousand five hundred dollars, (\$602,500.00;) and the total liabilities not provided for, have been reduced eight hundred and forty-one thousand two hundred and fifty-nine dollars and fifty cents, (\$841,259.50.)

The bonds of the State to the amount of four hundred and eighty thousand dollars, (\$480,000.00,) fall due June 1, 1871; of which four hundred and four thousand three hundred and five dollars and ninety-eight cents (\$404,305.98) remain unprovided for; and provision should be made for their prompt payment at maturity. As the Auditor of Accounts gives no very certain assurance that any considerable amount will be received within that time from the General Government in farther payment of the claim of the State against the United States, this will involve the necessity of increasing the present year and the next year the amount appropriated to the sinking fund. The amount appropriated for that purpose in 1868 was one hundred thousand dollars, (\$100,000.00;) but the amount actually applied to that fund from the tax levied in 1868 has been but sixty thousand dollars, (\$60,000.00.) And if the excess of the current expenses over the current resources,—twenty-one thousand one hundred and eight dollars and forty-eight cents, (\$21,108.48,)—had been paid from the avails of the tax, it would have left applicable to the sinking fund from that source but thirty-eight thousand eight hundred and ninety-one dollars and fifty-two cents, (\$38,891.52,) instead of one hundred thousand dollars, (\$100,000.00,) as intended. This is due to the fact, that the amount required to be paid during the year for the expenses of the State, allotment claims, claims for the State pay due to soldiers in the late war, and other matters, other than payment of interest on bonds and loans, has largely exceeded the amount estimated at the commence-

ment of the year, upon which estimate the amount of the tax levied in 1868 was based.

It is obvious, that for the purpose of meeting the current expenses of the present year, and such claims against the State as are due and outstanding, and making the necessary provision for the redemption of the bonds due in 1871, a larger tax must be imposed than was levied in 1868,—the necessary amount of which will be reduced by just so much as the aggregate amount of the current expenses for the year can be reduced. It becomes, therefore, the peremptory duty, as it undoubtedly will be the pleasure, of the General Assembly, and of every officer of the State, to provide for and practice the strictest economy in all matters affecting the finances of the State.

COMMON SCHOOLS.

I commend to your care the educational interests of the State,—the common schools, the academies and the colleges. At the foundation of these interests is the principle, recognized even previous to the adoption of the present Constitution of the State, that the State is under obligation to provide free schools for the education of all its children; and from this follows naturally the requirement, that the schools thus provided shall be the best of their kind, which can be furnished for the amount of money expended, and that those, for whose benefit they are furnished, shall partake of their advantages. And in enlarging and improving the standard of education in the common schools, you inevitably advance in a corresponding degree the standard and value of the higher institutions of learning.

The great number of small school districts in the State, and the low grade of attainment which in too many cases is required of teachers by those who are charged with the duty of employing them, are serious obstacles to the full development of the improvement of which the school system is susceptible. In a small district, containing but few families, as compared with a large district containing many families, it is obvious, that one of two results must follow:—if good teachers are employed, who can command high wages, the expense for each scholar must be greatly increased above the average of the larger districts; and if the expense for each scholar is kept within the average, it will be by the employment of poor teachers, who can only command and are willing to serve for low wages. For remedying this ob-

jection the Board of Education recommend, that all school districts be abolished, and that the support and supervision of the schools be committed directly to the towns; and I commend to your careful consideration their Report, together with the Report of the Secretary of the Board, stating in detail the reasons for the recommendation,—not doubting that you will act wisely and with all discretion in a matter of so grave importance.

The establishment and continuance of Normal Schools and Teachers' Institutes for the education of teachers is a great improvement upon the school system of former years, and their beneficial effect is already manifest in the advance of the standard of common school education. But the full measure of their benefit has probably not yet been attained. The Board of Education and their Secretary have made some suggestions in this respect, which are sufficiently important to justify deliberate examination of the subject and judicious action.

The expenditure for the support of schools each year is about five hundred thousand dollars; and this assumption and performance by the State of its duty to provide for the education of all its children imposes a corresponding obligation, that those, for whom this provision is made, shall avail themselves of its advantages. The State has as good right to require, for its own protection against anarchy and misrule, the results of ignorance and idleness, that the children shall be educated, as to require allegiance as the corresponding duty to the obligation of protection. Yet a very large number of the children in the State, both native and foreign born, do not attend any school; and the present law is insufficient to compel them to do so. I recommend, that more practical and stringent provision be made in this respect.

MILITIA.

The present condition of the Militia is shown by the Report of the Adjutant and Inspector General, which will be before you. A positive requirement, that the companies composing the several regiments shall be brought in competition with each other each year by regimental parade, would very greatly promote its drill, discipline, general efficiency, and consequent value for the purpose for which it is maintained, and would tend greatly to the completion of the organizations now authorized, by stimulating the formation, by

voluntary enlistment, of the additional companies required for that purpose.

ANNUAL REPORTS.

The remaining Annual Reports, to which I have not alluded, will be laid before you for your consideration. I have not yet had opportunity to give to them that careful examination which their importance requires. Should I find it necessary to do so, I will call your attention to them during your session.

LAW REGULATING RATE OF INTEREST.

There is one matter of existing legislation, which I regard as of sufficient importance in its present bearings to justify my calling to it your special attention. The certainty that an existing positive law can not be violated with impunity,—that transgression, if known, will surely be followed by punishment,—has as much influence in promoting respect for the law and preventing its violation, as the example of visible actual punishment. And the continued existence upon the statute book of a positive law, which has become so far obsolete as to be wholly disregarded and openly violated with entire impunity, has a tendency to weaken respect for all law. The law of this State prescribing the legal rate of interest for money loaned, and positively prohibiting the taking, either directly, or indirectly, of a greater rate of interest than the rate prescribed, is now in this condition. It is daily and openly violated by banks and by individuals, and its violation is entirely disregarded. It serves only as a check upon those, who are too conscientious to knowingly disregard any positive law, and operates as an inducement to them to send their capital abroad for investment, instead of investing it in the State for the promotion of its industrial, manufacturing and mechanical interests. It is thus a direct element of moral and practical mischief. The only remedy for its enforcement is given to those, who consent to borrow money at a rate exceeding the lawful rate, and involves the necessity of their bringing suit to recover back money, which they have paid in pursuance of their voluntary agreement. It thus operates mischievously both ways. If allowed to be violated with impunity, it weakens respect for all law; and a remedy for its violation can only be obtained by sanctioning the violation of the promise, in reliance upon which the loan was effected.

I recommend, that the subject be carefully considered, and that the law be essentially modified, or ample provision made for its enforcement by the ordinary officers of the law, or by some person not a party to its violation,—and this without reference to any supposed interest of either borrower, or lender, but only for the promotion of a sound morality and respect for law. If the State is willing, that there shall be no power to enforce a penalty for a violation of the positive prohibition, if the parties agree that it shall not be enforced,—that if both are assenting parties to the violation without punishment, then such violation is legitimate and can not be punished,—it is better to legalize such agreement by positive legislation; and if the violation of the prohibition is contrary to the moral sense of the legislature, then effective provision should be made for the punishment of such violation.

DEVELOPMENT OF RESOURCES.

The people of this State are and must necessarily ever remain essentially an agricultural community, although the progress made in the development of the mineral resources of the State, the marble, slate and iron, found in almost inexhaustible quantities, has to a considerable degree modified the original character of the State in this respect. The result is, that large numbers of our young men, trained to depend for their livelihood upon the fruits of patient toil upon the farm, attracted by the rich soil, easy cultivation and large returns of the alluvial regions of the Western States, leave the State yearly, thereby preventing any considerable increase of our population, and enriching the States, to which they remove, with intelligent citizens bred in the law abiding and God fearing habits of New England.

Every new branch of industry, which is introduced into the State, has a tendency to modify and control this difficulty, with which, as a State, we now have to contend, and at the same time by developing and improving the resources of the State adds to its capital and by enlarging the basis decreases the rate of taxation, and directly benefits the agriculturists of the State, by increasing the number of home consumers of agricultural products. Every considerable stream in the State affords water power in numerous places, which has not yet been put to use, and large amounts of lumber, iron, and other material are sent every year from the State to be manufactured in other States and returned in their manufactured

form to be consumed in this State,—thus paying to other communities the profits upon the manufacture, which might and should be enjoyed by our own citizens.

It is worthy of serious consideration, whether some means may not be devised, by which the resources of the State may be developed and put to use within our own limits,—whether by wise and judicious encouragement of the various forms of manufacturing and mechanical industry, capital may not be induced to flow into the State for investment, and the capital within the State be retained for investment at home. Possibly a modification of the interest laws to a certain extent, or the absolute exemption from taxation, for a limited time, of capital invested in new manufacturing or mechanical establishments, instead of leaving it, as at present, to the uncertain action of towns, might have a tendency to promote this result; and other modes of accomplishing the purpose may suggest themselves to the wisdom of the legislature. It is a subject deserving of careful consideration, and the example set by other States may be studied to good purpose.

LEGISLATION.

Legislative law, like judicial law, derives its chief element of value from its stability. A judicial body, which should annually modify, or overrule, its previous decisions, would be regarded as unsettling the course of business and would cease to command respect. Every reason, which requires that the course of judicial decisions should only be varied for the most cogent reasons, which has made "*stare decisis*" one of the maxims of the law, applies with equal force to general legislative enactments involving the rights and relations of persons and of communities. Yet it is well understood that while courts change their decisions, when once made, only with extreme reluctance and as the result of the most deliberate examination, legislative bodies feel themselves governed by no such rule, but yearly repeal, modify and essentially change laws, both legislative and judicial, previously existing.

This constant change in the course of legislative enactments is fraught with mischief; for, so that a law be not positively mischievous, it is of full as much importance, that it be thoroughly and generally understood what the law is, as that it should be in all its details the most perfect system that can be devised. A wise conservatism of the laws as they exist, so far as is consistent with a due regard to the pro-

gress of the age and the changing course of business relations, would go far to make the general body of the law better understood and respected, to place upon a firm foundation the interests of the State and of individuals, and at the same time be promotive of sound economy by diminishing the amount of business transacted by the General Assembly, and thus shortening the length of its sessions.

Much time is consumed annually in the consideration and enactment of bills for the formation of private corporations. By chapters eighty-six and ninety of the General Statutes provision is made for the voluntary association of individuals, with full corporate powers, for the various purposes therein enumerated, and a carefully prepared and well guarded system provided for their control and management. Yet of the whole number of charters for private corporations, enacted in the years 1864 to 1868, inclusive, sixty *per cent.* are for corporations which might equally as well have been formed under the general laws without coming before and consuming the time of the General Assembly.

Due regard to a wise economy in the expenses of the State requires, that your session should be limited to the shortest time which may be consistent with a proper transaction of the business which may come before you. A judicious disinclination, decisively manifested, to adopt any proposed change of existing laws, or any general legislation for special cases, without the clearest conviction of their utility, and a requirement, that all persons desirous of being incorporated for any of the purposes, for which provision for association with corporate powers is made by the general laws, should form their association under those laws, or that a bill for such purpose should only be entertained upon prepayment to the Treasurer of a specified sum of money for the use of the State, would have great effect in producing this most desirable result by diminishing to a considerable extent the amount of business which otherwise may claim your attention.

FIFTEENTH AMENDMENT.

Among the business, which should earliest receive your attention, is the consideration of the proposed Fifteenth Amendment of the Constitution of the United States, the adoption of which by the requisite number of States will, for the first time in the history of the Nation, give reality in fact to the truth enunciated in the Declaration of Independence, and incorporated into the Constitution of Vermont,

that "all men are created equal," and will preserve inviolate the public faith pledged to the National freedmen. The sense of the people of Vermont upon this subject has been too often expressed by themselves through the ballot box and by the action of their representatives in General Assembly, to leave the question of its speedy adoption by you for a moment in doubt, or even open to debate. It is a measure demanded alike by justice, by good faith, and by common humanity.

Trusting that without the necessity of a protracted session, you may be able to transact wisely all necessary business claiming your attention, I leave with you the care of the interests of the State and of its citizens, again invoking for your deliberations and your action the divine guidance of an overruling Providence.

PETER T. WASHBURN.

MONTPELIER, October 16, 1869.

Senator Robert J. Saxe, of Franklin County, presented his credentials, and appeared at the bar of the Senate and was duly sworn.

The annual Executive Message was, on motion of Mr. Halbert,

Ordered to lie, and the Secretary was directed to procure three hundred copies to be printed for the use of the Senate.

On motion of Mr. Nash, adjourned.

MONDAY, OCTOBER 18, 1869.

Prayer by the Chaplain.

The Journal of Saturday was read and approved.

Mr. Halbert introduced the following resolution, which was read and adopted :

Resolved, That so much of the Message of his Excellency, the Governor, as relates to Finance, be referred to the Committee on Finance ; so much as relates to Common Schools, to the Committee on Education ; so much as relates to the

Militia, to the Committee on Military Affairs ; so much as relates to the Rates of Interest, to the Committee on the Judiciary ; and so much as relates to the Development of Resources, to the Committee on Manufactures.

On motion of Mr. Jones, the Senate adjourned at eleven o'clock.

AFTERNOON.

William R. Hutchinson, a senator elect from the county of Franklin, presented his credentials and appeared at the bar of the Senate, received and subscribed the oaths of office.

The President announced the following appointments :

Joint Committee on Bills :

Mr. Elkins,
" Copeland.

On Joint Rules :

Mr. Ladd,
" Hall.

Official Reporters :

Edward M. Brown of Montpelier,
George B. Shaw of Burlington.

The Secretary has appointed as Pages for the present session :

William T. Dewey of Montpelier,
Edward Swan Eastman of Montpelier.

In the absence of the President, the Secretary directed the Senate to the election of a President *pro tempore*.

Senators Dewey of Washington, and Royce of Franklin, were appointed tellers.

The ballots having been taken and examined for President *pro tempore*, it appeared that GEORGE N. DALE, a senator from the county of Essex, had received all the votes, was elected, thereupon he presented himself at the bar of the Senate, and was duly sworn.

Mr. Dickerman introduced a bill entitled

S. 1. An act to incorporate the Orleans County Society of Natural Sciences ;

Which was read the first and second time, and referred to the Committee on the Judiciary.

Mr. Halbert introduced a bill entitled

S. 2. An act defining who shall be voters in town meeting ;

Which was read the first and second time, and referred to the Committee on the Judiciary.

Mr. Heath introduced the following joint resolution :

Resolved by the Senate and House of Representatives,
That the two Houses meet in Joint Assembly on Friday, the 22d inst., at three o'clock in the afternoon, for the purpose of electing Judges of the Supreme Court, and a Reporter of the Decisions thereof, for the year ensuing ;

Which was read, and, on motion of Mr. Royce,

Ordered to lie.

On motion of Mr. Hutchinson of Franklin, the Senate adjourned.

TUESDAY, OCTOBER 19, 1869.

Prayer by the Chaplain.

Journal of Monday was read and approved.

Hoyt H. Wheeler, a senator elect from the county of Windham, having presented his credentials, appeared at the bar of the Senate, received and subscribed the oaths of office.

Mr. Dewey of Washington introduced the following joint resolution, which was read and adopted on the part of the Senate :

Resolved by the Senate and House of Representatives,
That the two Houses meet in Joint Assembly in the Hall of the House of Representatives on Thursday next, at half past two o'clock in the afternoon, for the purpose of electing a

Secretary of State, Sergeant-at-Arms, Auditor of Accounts, Commissioner of the Insane, Railroad Commissioner, Adjutant and Inspector General, Quartermaster General, Judge Advocate General, Superintendent of the State Prison, and three Directors of the State Prison, for the year ensuing.

Mr. Farnham introduced a bill entitled

S. 3. An act in amendment of section fifteen of chapter sixty-three of the General Statutes, in relation to the limitation of actions ;

Which was read the first and second time, and referred to the Committee on Printing.

On motion of Mr. Hastings, the Senate adjourned at ten o'clock and fifty minutes.

AFTERNOON.

Mr. Camp, from the Committee on Printing, to whom was referred bills entitled

S. 2. An act defining who shall be voters in town meetings ;

S. 3. An act in amendment of section fifteen of chapter sixty-three of the General Statutes, in relation to the limitation of actions ;

Reported the same, recommending the printing of three hundred and fifty copies of each of said bills ; thereupon they were severally

Ordered to lie and be printed.

Mr. Hall introduced a bill entitled

S. 4. An act in amendment of an act passed November 2, 1833, incorporating the Newbury Seminary ;

Which was read the first and second time, and referred to the Committee on the Judiciary.

Mr. Royce introduced a bill entitled

S. 5. An act permitting parties in civil suits to challenge Jurors ;

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Dewey of Washington introduced a bill entitled

S. 6. An act in amendment of " An act to enable the towns in the counties of Washington, Caledonia and Orange

to aid in the construction of the Montpelier and Wells River Railroad," approved October 30, 1868 ;

Which was read the first and second time, and referred to the Committee on Railroads.

Mr. Green, from the Committee on Printing to whom was referred a bill entitled

S. 5. An act permitting parties in civil suits to challenge Jurors ;

Reported the same, recommending the printing of three hundred and fifty copies of said bill ; thereupon the bill was
Ordered to lie and be printed.

On motion of Mr. Copeland, the Senate adjourned, three o'clock and five minutes.

WEDNESDAY, OCTOBER 20, 1869.

Prayer by Rev. W. J. Harris of Montpelier.

Journal of Tuesday was read and approved.

Mr. Farnham introduced the following resolution, which was read and adopted :

Resolved, That the Secretary be directed to procure the printing of three hundred and fifty copies of Senate bill No. 4, entitled " An act in amendment of an act passed Nov. 2, 1833, incorporating Newbury Seminary."

Mr. Benedict introduced a joint resolution, as follows :

Resolved by the Senate and House of Representatives, That the use of the Hall of the House of Representatives be tendered to the Managers of the Home for Destitute Children, at Burlington, on Wednesday evening, October 27, 1869, for a meeting, to set forth the objects of the institution ;

Which was read and adopted on the part of the Senate.

Mr. Collamer introduced the following resolution, which was read and adopted :

Resolved, That any committee to whom any bill is refer-

red, are hereby instructed to report against the passage of the same, if, in their opinion, the provisions made by the statutes are already sufficient to effect the object contemplated by said bill.

A message was received from the House of Representatives, by Mr. Camp, their Clerk, as follows :

MR. PRESIDENT : I am directed to inform the Senate that the House have considered joint resolution providing for Joint Assembly on Thursday afternoon, for election of certain State officers ;

And have adopted the same in concurrence.

They have also adopted, on their part, a joint resolution ratifying the proposed Fifteenth Amendment to the Constitution of the United States ;

In the adoption of which the concurrence of the Senate is requested.

JOINT RESOLUTIONS RATIFYING THE AMENDMENT TO THE
CONSTITUTION OF THE UNITED STATES.

Whereas, The Congress of the United States, on the seventeenth day of February, A.D. 1869, by joint resolution proposed to the Legislatures of the several States an Amendment to the Constitution of the United States, in the words following, viz :

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

Therefore,

Resolved by the Senate and House of Representatives, That the said proposed Amendment to the Constitution of the United States be, and the same is hereby, ratified by the Legislature of the State of Vermont.

The joint resolution was read, and, on motion of Mr. Royce, the rule requiring its reference to the Committee under the Fourth Joint Rule was suspended.

The question being, Will the Senate concur with the House of Representatives in the adoption of the resolution ? it was decided in the affirmative—yeas 26, nays 0.

Mr. Royce having demanded the yeas and nays, they were taken, and are as follows :

Those senators who voted in the affirmative are Messrs.

Benedict,	Goodell,	Ladd,
Camp,	Green,	Merrill,
Collamer,	Halbert,	Nash,
Copeland,	Hall,	Orvis,
Dale,	Hastings,	Pingry,
Dewey of Windsor,	Heath,	Royce,
Dickerman,	Hutchinson of Franklin,	Saxe,
Elkins,	Hutchinson of Orange,	Wheeler—26.
Farnham,	Jones,	

On motion of Mr. Pingry, Senate Rule No. 21 was suspended.

Mr. Pingry moved that Mr. Dewey of Windsor be allowed to record his vote on the resolution to ratify the Amendment to the Constitution, also any other Senator who was not within the bar of the Senate on the call of the roll ;

Which was agreed to.

Thereupon the name of Senator Dewey of Windsor County was called, and he recorded his vote in the affirmative.

Mr. Heath asked leave for Mr. Hastings of Washington to record his vote on the ratification of the Amendment ;

Whereupon the name of Mr. Hastings was called, and he recorded his vote in the affirmative.

So the joint resolution, ratifying the Amendment to the Constitution of the United States, was unanimously adopted in concurrence.

Mr. Farnham introduced a bill entitled

S. 7. An act in amendment of an act entitled " An act in amendment of chapter eighty-three of the General Statutes entitled 'Of the grand list,' " approved November 9, 1865 ;

Which was read the first and second time, and referred to the Committee on Printing.

A message was received from the House of Representatives, by Mr. Camp, their Clerk, as follows :

MR. PRESIDENT : I am directed to inform the Senate that the House have adopted, on their part, the report of the Committee on Joint Rules.

Mr. Ladd, from the Committee on Joint Rules, reported the following

JOINT RULES OF THE SENATE AND HOUSE OF
REPRESENTATIVES.

1.

A Joint Assembly shall be formed by an Union of the Senate and House of Representatives in the Hall of the latter, at such time and for such specific purpose only as may be expressed in a concurrent resolution of both Houses; and may adjourn from time to time during the session of the General Assembly. The President of the Senate shall in all cases preside over, and the Secretary of State, or in his absence, the Secretary of the Senate, shall officiate as Clerk of every Joint Assembly.

2.

The proceedings of every Joint Assembly, including the resolution ordering the same, shall be recorded by the Clerk in a book kept for that purpose, which shall be preserved in the office of the Secretary of State, a copy of which shall be furnished to the Governor by the Secretary of State, and shall also be published with the Journal of the proceedings of the House of Representatives.

3.

The rules of the Senate, as far as applicable, shall be observed in regulating the proceedings of every Joint Assembly.

4.

A joint committee of three Senators and three Representatives shall be appointed by the presiding officers of the two Houses respectively, to whom may be referred all documents transmitted by the Governor for the use of the General Assembly, who shall report thereon to that House from which they were received.

5.

The committees of the Senate and House of Representatives, to whom the same subject matter shall have been referred, may, for the purpose of facilitating business, meet together as a joint committee, and make a joint or separate report to either or both Houses, as they may think expedient.

6.

In every case of disagreement between the Senate and House of Representatives, if either shall request a conference and appoint a committee for that purpose, and the other House shall also appoint a committee on its part, such committee shall meet at a convenient hour, to be agreed upon by their chairman, in the conference room, and state to each other, verbally or in writing, the reasons of each House for its vote on the subject matter of disagreement, confer freely thereon, and make a report of their doings to their respective Houses as soon as may be.

7.

Committees of Conference shall consist of an equal number from each House, and shall return the papers referred to them to that House which last voted upon the subject matter of disagreement.

8.

After each House shall have adhered to the vote of disagreement, a bill or resolution shall be lost.

9.

When bills and resolutions are on their passage between the two Houses, they shall be verified by the attestation of the Secretary or Clerk of each House respectively, and all joint resolutions shall be fairly engrossed, after their passage, in the House in which they originate, and shall, when finally passed, be signed by the presiding officers of both Houses, in the same manner as bills.

10.

After bills have passed both Houses, and a certificate, showing the one in which they respectively originated, has been duly endorsed thereon, they shall be delivered to a joint standing committee of two Senators and two members of the House of Representatives, to be appointed by the presiding officers of the two Houses respectively, and to be designated the *Committee on Bills*, who shall make careful examination, and see that they are correctly engrossed, both as regards the original bill, and all amendments thereto, and when satisfied of their accuracy, shall present them, first to the

Speaker of the House of Representatives, and then to the President of the Senate, for their official signatures, and having obtained them, they shall forthwith deliver them to Governor for his approval, and shall make a true report to both Houses of the day on which such bill was delivered to the Governor, which shall be duly entered upon the Journal of each House.

11.

A joint committee of two Senators and two Representatives shall be appointed by the presiding officers of the two Houses respectively, at the commencement of the session, to be designated the *Committee on Joint Rules*.

12.

When a bill or resolution, which shall have passed one House, is rejected in the other, notice thereof shall be given to the House in which the same shall have passed; and all such rejected bills or resolutions, with the accompanying papers, shall be returned to, and left in the custody of the House which first acted on them.

13.

Each House shall transmit to the other all papers on which any bill or resolution shall be founded; and should any bill or resolution pass both Houses, the same paper shall be delivered to the Governor.

14.

No bill, which shall have passed one House, shall be sent for concurrence to the other, on the last day of the session.

15.

The final adjournment of the General Assembly shall be fixed at an hour between six o'clock in the forenoon and nine o'clock in the afternoon.

16.

A two-thirds vote of all present shall be required for the suspension of any joint rule.

17.

A joint committee on the Library, consisting of two Sen-

ators and three Representatives, shall, on nomination of the presiding officers of their respective Houses, be appointed by each House respectively.

18.

A joint committee of three Senators and five Representatives shall be appointed by the presiding officers of the two Houses, respectively, to be designated the Committee on the *Reform School*; whose duty it shall be to visit such School and report the condition thereof to the General Assembly, each session, and to take into consideration all matters relating to said School, which may be referred to them.

Thereupon they were adopted as the Joint Rules on the part of the Senate.

The President nominated, and the Senate confirmed, the following Joint Committees on the part of the Senate :

On the Library :

Mr. Hutchinson of Orange,
“ Saxe.

Committee to Canvass the Votes for County Officers :

Addison County	Mr. Nash,
Bennington County	“ Orvis,
Caledonia County	“ Hall,
Chittenden County	“ Benedict,
Essex County	“ Dale,
Franklin County	“ Hutchinson,
Grand Isle County	“ Ladd,
Lamoille County	“ Camp,
Orange County	“ Farnham,
Orleans County	“ Dickerman,
Rutland County	“ Merrill,
Washington County	“ Hastings,
Windham County	“ Wheeler,
Windsor County	“ Dewey.

Thereupon the Canvassing Committee were duly sworn.

On motion of Mr. Heath, the Senate adjourned.

AFTERNOON.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have considered joint resolution from the Senate granting the use of the Hall of the House of Representatives to the managers of the Home for Destitute Children, and have adopted the same in concurrence.

Mr. Saxe introduced a bill entitled

S. 8. An act to incorporate the Northern Vermont and Lake Champlain Railroad;

Which was read the first and second time, and referred to the Committee on Railroads.

Mr. Hutchinson of Franklin asked to record his vote on the joint resolution ratifying the fifteenth amendment to the Constitution of the United States;

Whereupon the name of Mr. Hutchinson was called and he voted in the affirmative.

Mr. Heath introduced a bill entitled

S. 9. An act to aid the Vermont Historical Society;

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Green, from Committee on Printing to whom was referred a bill entitled

S. 7. An act in amendment of an act entitled "An act in amendment of chapter eighty-three of the General Statutes entitled 'Of the grand list;'" approved November 9, 1865;

Reported the same, recommending the printing of three hundred and fifty copies; Thereupon the bill was

Ordered to lie and be printed.

Mr. Wheeler introduced a bill entitled

S. 10. An act creating degrees in the crime of murder;

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Dale introduced a bill entitled

S. 11. An act relating to pleading and proceeding in certain criminal cases ;

Which was read the first and second time, and referred to the Committee on Printing.

On the motion of Mr. Saxe, at three o'clock and fifteen minutes, the Senate adjourned.

THURSDAY, OCTOBER 21, 1869.

Prayer by the Chaplain.

Journal of Wednesday was read and approved.

Mr. Dewey of Washington asked to record his vote on the joint resolution ratifying the amendment to the Constitution of the United States ;

Whereupon the name of Mr. Dewey of Washington was called, and he recorded his vote in the affirmative.

Bills of the following titles having been presented, were taken up, and referred, as follows :

S. 2. An act defining who shall be voters in town meetings ;

S. 3. An act in amendment of section fifteen of chapter sixty-three of the General Statutes, in relation to the limitation of actions ;

S. 4. An act in amendment of an act passed November 2, 1833, incorporating Newbury Seminary ;

S. 5. An act permitting parties in civil suits to challenge jurors ;

S. 7. An act in amendment of an act entitled "An act in amendment of chapter eighty-three of the General Statutes, entitled 'Of the grand list,'" approved November 9, 1865 ;

To the Committee on the Judiciary.

Mr. Wheeler introduced a bill entitled

S. 12. An act in amendment of sections three and four

of chapter one hundred and fourteen of the General Statutes, relating to forgery and counterfeiting;

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Dale introduced a bill entitled

S. 13. An act in relation to estoppels;

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Camp, from the Committee on Printing to whom was referred bills entitled

S. 9. An act to aid the Vermont Historical Society;

S. 10. An act creating degrees in the crime of murder;

S. 11. An act relating to pleadings and proceedings in certain criminal cases;

Reported the same, recommending the printing of three hundred and fifty copies of each of said bills; whereupon they were severally

Ordered to lie and be printed.

Mr. Hutchinson of Orange introduced a bill entitled

S. 14. An act to amend chapter one hundred and twelve of the General Statutes, entitled "Of offenses against the lives and persons of individuals;"

Which was read the first and second time, and referred to the Committee on Printing.

The President informed the Senate that the Sergeant-at-Arms had nominated, and he had approved, the following appointments:

Doorkeeper:

Samuel Everts of Cornwall.

Assistant Doorkeeper:

J. E. Bosworth of Berlin.

Mr. Ladd introduced a bill entitled

S. 15. An act to incorporate the Alburgh, Highgate and Plattsburgh Steam Ferry Company;

Which was read the first and second time, and referred to the General Committee.

The President announced as the joint committee on the part of the Senate:

On State Reform School :

Senator Merrill,

“ Dale,

“ Camp.

Mr. Halbert submitted the following resolution :

Resolved, That when the Senate adjourn on Friday afternoon, the 22d inst., it be adjourned to meet again on Monday afternoon, the 25th inst., at four o'clock ;

Which was read and adopted.

Mr. Dewey of Washington moved to reconsider the resolution ;

Which was disagreed to.

Mr. Hutchinson of Orange presented the following petitions, which were read, and referred to the Committee on the Judiciary :

That of Dr. George Dalton and one hundred and fifty-eight others ; that of W. H. H. Claflin and one hundred and five others ; that of M. E. Darling and ninety-four others ; that of Thomas P. Judd and thirty-six others ; all praying for the passage of a law abolishing capital punishment.

Mr. Heath introduced the following joint resolution, which was read, and adopted on the part of the Senate :

Resolved by the Senate and House of Representatives, That the Secretary of the Senate and the Clerk of the House be and are hereby directed to procure the printing of one thousand copies of the addresses delivered before the Vermont Historical Society at their anniversary on the 19th inst., for the use of the two Houses.

Mr. Wheeler introduced a bill entitled

S. 16. An act relating to public easements ;

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Camp, from the Committee on Printing to whom was referred bills entitled

S. 12. An act in amendment of sections three and four of chapter one hundred and fourteen of the General Statutes, relating to forgery and counterfeiting ;

S. 13. An act relating to estoppels ;

S. 14. An act to amend chapter one hundred and twelve of the General Statutes, entitled “ Of offenses against the lives and persons of individuals ;”

S. 16. An act relating to public easements ;
Reported the same, recommending the printing of three hundred and fifty copies of each of said bills ; whereupon they were severally

Ordered to lie and be printed.

On motion of Mr. Orvis, the Senate adjourned at eleven o'clock and ten minutes.

AFTERNOON.

Mr. Camp presented the petition of Charles Seaver of Stowe, praying for the repeal of of the law relating to blasphemy ;

Which was read, and referred to the Committee on the Judiciary.

Mr. Dale introduced a bill entitled

S. 17. An act to pay J. A. Mansur the sum therein named ;

Which was read the first and second time, and referred to the Committee on Claims.

A message was received from the House of Representatives, by Mr. Camp, their Clerk :

MR. PRESIDENT: The House have passed a bill entitled

H. 8. An act to provide for the expenses of the Council of Censors ;

In the passage of which the concurrence of the Senate is requested.

House bill entitled

H. 8. An act to provide for the expenses of the Council of Censors ;

Was read the first and second time, and referred to the Committee on Finance.

Mr. Dewey, from the Committee on Finance to whom was referred House bill entitled

H. 8. An act to provide for the expenses of the Council of Censors ;

Reported the same, recommending that the Senate propose to the House to amend by adding thereto a section as follows :

Sec.—This act shall take effect from its passage;

Which was agreed to; thereupon, under suspension of the rules, the bill was read a third time, and passed in concurrence, with proposal of amendment.

The hour having arrived for a Joint Assembly, the Senate repaired to the Hall of the House of Representatives;

Having returned therefrom

Mr. Halbert, from the General Committee to whom was referred a bill entitled

S. 15. An act to incorporate the Alburgh, Highgate and Plattsburgh Steam Ferry Company;

Reported in favor of its passage; thereupon the bill was *Ordered* to be engrossed and read the third time.

Mr. Goodell introduced a bill entitled

S. 18. An act relating to drains and common sewers;

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Wheeler, from the Committee on the Judiciary to whom was referred a bill entitled

S. 1. An act to incorporate the Orleans County Society of Natural Science;

Reported, recommending that the bill be amended by striking out section five, and inserting therefor as follows:

Sec. 5. This act shall not be operative until all persons who have heretofore formed the Orleans County Society of Natural Sciences shall have assented thereto in writing, and the instrument of assent shall be recorded in the records of the corporation.

Sec. 6. This act shall be taken to be a public act, and shall be subject to the control of future legislation, and shall take effect from its passage.

Which was agreed to; thereupon the bill as amended was *Ordered* to be engrossed and read a third time.

The President laid before the Senate the following communication from his Excellency, the Governor:

STATE OF VERMONT,

Executive Chamber, Montpelier, Oct. 20, 1869. }

To the President of the Senate:

SIR: I have the honor to transmit herewith to the Honorable Senate, a copy of a communication from the Governor of Ohio, with an accompanying act of the Legislature of that

State, providing for the transfer to the General Government of the National Cemeteries at Antietam and Gettysburgh, the original of which I have this day transmitted to the House of Representatives.

The title to these cemeteries is held by the States of Maryland and Pennsylvania respectively in fee, but in trust for the States which have participated in their establishment. The joint resolution adopted by the Legislature of this State, in 1868, was applicable only to the cemetery at Gettysburgh: and it may admit of question whether it is sufficient to accomplish the full purpose which was intended.

I respectfully suggest the propriety of the enactment of a law applicable to both cemeteries, and similar in its general character to the first and second sections of the law enacted by Ohio.

I remain, &c.,

PETER T. WASHBURN.

Which was read, and together with accompanying documents, was referred to the Committee on Federal Relations.

(See House Appendix.)

A message from the House of Representatives, by Mr. Newell, their first Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have considered Senate proposal of amendment to House bill No. 8, and have agreed thereto.

On motion of Mr. Green, the Senate adjourned at four o'clock and thirty minutes.

FRIDAY, OCTOBER 22, 1869.

President *pro tempore* in the chair.

Prayer by the Chaplain.

The journal of Thursday was read and approved.

Mr. Green, from the Committee on Printing to whom was referred a bill entitled

S. 18. An act relating to drainage and common sewers;

Reported the same, recommending the printing of three hundred and fifty copies; thereupon the bill was

Ordered to lie and be printed.

Mr. Hutchinson of Orange introduced a bill entitled

S. 19. An act to amend section six of chapter eighty-three of the General Statutes, relating to the grand list;

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Green, from the Committee on Printing to whom was referred a bill entitled

S. 19. An act to amend section six of chapter eighty-three of the General Statutes, relating to the grand list;

Reported the same, recommending the printing of three hundred and fifty copies; thereupon the bill was

Ordered to lie and be printed.

Bills of the following titles having been printed, were taken up and referred, viz:

S. 12. An act in amendment of sections three and four of chapter one hundred and fourteen of the General Statutes, relating to forgery and counterfeiting;

S. 13. An act in relation to estoppels;

S. 14. An act to amend chapter one hundred and twelve of the General Statutes, entitled "Of offenses against the lives and persons of individuals;"

S. 16. An act relating to public easements;

To the Committee on the Judiciary.

On the motion of Mr. Nash, the Senate adjourned at ten o'clock and fifty-five minutes.

AFTERNOON.

President *pro tempore* in the chair.

No quorum being present, on motion of Mr. Hutchinson of Orange, the Senate adjourned.

MONDAY, OCTOBER 25, 1869.

4 o'clock P. M.—President *pro tempore* in the chair.

No quorum being present, on motion of Mr. Dewey of Washington, the Senate adjourned at 4 o'clock and three minutes.

TUESDAY, OCTOBER 26, 1869.

President *pro tempore* in the chair.

Prayer by the Rev. T. H. Babbitt of Waitsfield.

Journals of Friday and Monday were read and approved.

Mr. Dewey of Washington introduced a bill entitled
S. 20. An act to repeal an act for the advancement of the science of medicine and surgery, approved November 10, 1868;

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Ladd introduced a bill entitled

S. 21. An act directing the Governor to appoint a committee to investigate the matter of changing the site of the State Prison;

Which was read the first and second time, and referred to the Committee on Printing.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have adopted, on their part, a joint resolution providing for a committee to visit the State Reform School at Waterbury;

In the adoption of which the concurrence of the Senate is requested.

Mr. Farnham introduced a bill entitled

S. 22. An act to enable the proprietors and pew owners in the union meeting house in Corinth to dispose of the same ;

Which was read the first and second time, and referred to the General Committee.

Mr. Wheeler introduced a bill entitled

S. 23. An act to amend section thirty-eight of chapter twenty of the General Statutes, relating to the relief of the insane poor ;

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Hutchinson of Orange introduced a bill entitled

S. 24. An act to amend chapter ninety-four of the General Statutes, entitled "Of traffic in intoxicating drinks ;"

Which was read the first and second time, and referred to the Committee on Printing.

Joint resolution from the House of Representatives :

Resolved by the Senate and House of Representatives,
That a committee consisting of three Senators and five Representatives of this House be appointed by the President of the Senate and Speaker of the House to visit the State Reform School at Waterbury, examine into its condition and management, and report to each House respectively ;

Was read, and adopted in concurrence.

Engrossed bill entitled

S. 1. An act to incorporate the Orleans County Society of Natural Sciences ;

Was read a third time ; Mr. Dickerman moved to commit to a Senator to amend in section one by striking out the name "*James S. Edwards*" and insert in lieu the name of "*James L. Edwards*," which was agreed to ; thereupon the bill was committed to Mr. Dickerman to amend agreeably to the instructions of the Senate.

Mr. Dickerman, the Senator to whom was committed engrossed bill entitled

S. 1. An act to incorporate the Orleans County Society of Natural Sciences ;

Reported the same amended agreeably to the instructions of the Senate ; thereupon the bill as amended was passed.

A message was received from the House of Representatives by Mr. Newell, their first Assistant Clerk, as follows :

Mr. PRESIDENT: I am directed to inform the Senate that the House have appointed the following

JOINT STANDING COMMITTEES.

On Library :

Mr. Underwood of Hardwick,
" Severance of Glover,
" Stewart of South Burlington.

On Bills :

Mr. Worcester of Greensboro,
" Stone of Halifax.

On Reform School :

Mr. Gleed of Morristown,
" Jones of Benson,
" Bigelow of Ryegate,
" Hedden of Salisbury,
" Ormsby of Waterbury,
" Salisbury of Townshend,
" Morgan of Rochester.

That they have adopted in concurrence joint resolution providing for the printing of the addresses delivered before the Vermont Historical Society, October 19, 1869.

Mr. Hutchinson of Orange moved to reconsider a joint resolution from the House "providing for a committee to visit the State Reform School;" which was agreed to, and on motion of Mr. Dewey of Washington, the resolution was

Ordered to lie.

Engrossed bill entitled

S. 15. An act to incorporate the Alburgh, Highgate and Plattsburgh Steam Ferry Company ;

Was read a third time ; Mr. Ladd moved that the bill be committed to a Senator to amend in section one, line nineteenth, by striking out the words "*the same*" and inserting in lieu thereof the words "*Lake Champlain*," which was agreed to ; the President *pro tempore* designated Mr. Ladd as the Senator to whom the bill should be committed for amendment.

Mr. Ladd, the Senator to whom was committed engrossed bill entitled

S. 15. An act to incorporate the Alburgh, Highgate and Plattsburgh Steam Ferry Company ;

Reported the bill amended agreeably to the instructions of the Senate ; thereupon the bill as amended was passed.

Mr. Green, from the Committee on Printing to whom was referred bills entitled

S. 20. An act to repeal "An act for the advancement of the science of medicine and surgery," approved November 10, 1868 ;

S. 21. An act directing the Governor to appoint a committee to investigate the matter of changing the site of the State Prison ;

S. 23. An act to amend section thirty-eight of chapter twenty of the General Statutes, relating to the relief of the insane poor ;

S. 24. An act to amend chapter ninety-four of the General Statutes, entitled " Of the traffic in intoxicating drinks ;"

Reported the same, recommending the printing of three hundred and fifty copies of each of said bills ; thereupon they were severally

Ordered to lie and be printed.

On motion of Mr. Royce, the Senate adjourned at eleven o'clock and twenty-five minutes.

AFTERNOON.

Mr. Dewey of Washington introduced a bill entitled

S. 25. An act to incorporate Barre Railroad Company ;

Which was read the first and second time, and referred to the Committee on Railroads.

A message was received from the House by Mr. Newell, their first Assistant Clerk, as follows :

MR. PRESIDENT: I am directed to inform the Senate that the House have passed bills of the following titles :

H. 4. An act to incorporate the Green Mountain Marble Company ;

H. 5. An act to incorporate the Otter Creek Dairy Company ;

H. 11. An act relating to the city of Burlington and the city court of said city ;

H. 22. An act to incorporate the Springfield Flouring Mill Company ;

H. 29. An act laying a tax on the county of Caledonia ;

H. 38. An act providing for the ceding of the Antietam and Gettysburgh cemeteries to the United States ;

In the passage of which the concurrence of the Senate is requested.

House bills of the following titles were severally read the first and second time, and referred, as follows :

H. 4. An act to incorporate the Green Mountain Marble Company ;

H. 5. An act to incorporate the Otter Creek Dairy Company ;

H. 22. An act to incorporate the Springfield Flouring Mill Company ;

H. 29. An act laying a tax on the county of Caledonia ;
To the General Committee.

H. 11. An act relating to the city of Burlington and the city court of said city ;

To the Committee on the Judiciary.

H. 38. An act providing for the ceding of the Antietam and Gettysburgh cemeteries to the United States ;

To the Committee on Federal Relations.

Mr. Farnham introduced a bill entitled

S. 26. An act to amend the act incorporating Newbury Seminary ;

Which was read the first and second time, and referred to the Committee on Education.

Mr. Dickerman introduced a bill entitled

S. 27. An act relating to depositions ;

Which was read the first and second time, and referred to the Committee on Printing.

On motion of Mr. Farnham, the Senate adjourned at two o'clock and forty-five minutes.

WEDNESDAY, OCTOBER 27, 1869.

Prayer by Rev. R. Morgan, Chaplain of the House of Representatives.

Journal of Tuesday was read and approved.

A message was received from His Excellency, the Governor, by Mr. Marsh, Secretary of Civil and Military Affairs, as follows:

MR. PRESIDENT: I am directed by the Governor to deliver to the Senate a communication in writing, with an accompanying document.

On motion of Mr. Dewey of Washington, the "Report of John N. Pomeroy, from the Committee on the erection of the Monument to Ethan Allen in Green Mount Cemetery at Burlington," was taken up, and referred to the Committee under the Fourth Joint Rule.

(For Report see Appendix.)

Mr. Benedict introduced the following joint resolution, which was read and adopted on the part of the Senate:

Resolved by the Senate and House of Representatives,
That the two Houses meet in Joint Assembly on Wednesday, the 27th inst., at half past two o'clock in the afternoon, to hear the report of the Committee appointed to canvass votes for county and probate officers, and, if necessary, to complete the election of the same; also to elect three Trustees of the University of Vermont and State Agricultural College. •

Mr. Dale introduced a bill entitled

S. 28. An act to incorporate the Island Pond Academy;
Which was read the first and second time, and referred to the Committee on Education.

Mr. Hall introduced a bill entitled

S. 29. An act providing for the establishment of true meridian lines, and for regulating the practice of surveying in this State;

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Dewey of Washington presented a memorial of the clergy and laity of the Protestant Episcopal Church in Vermont, praying for a modification of the laws relating to divorce;

(For Memorial see Appendix.)

Which was read, and on motion of Mr. Dewey of Washington, was referred to the Committee on the Judiciary, and the Secretary directed to procure the printing of three hundred and fifty copies of the memorial for the use of the General Assembly.

Mr. Copeland introduced a bill entitled

S. 30. An act to incorporate the Middletown Spring Company;

Which was read the first and second time, and referred to the General Committee.

Bills of the following titles having been printed, were taken up, and referred, as follows:

S. 11. An act relating to pleadings and proceedings in certain criminal cases;

S. 19. An act to amend section six of chapter eighty-three of the General Statutes, relating to grand list;

S. 20. An act to repeal "An act for the advancement of the science of medicine and surgery," approved November 10, 1868;

To the Committee on the Judiciary.

S. 18. An act relating to drains and common sewers;

To the Committee on Agriculture.

S. 23. An act to amend section thirty-eight of chapter twenty of the General Statutes, relating to the relief of the insane poor;

To the Committee on Finance.

S. 24. An act to amend chapter ninety-four of the General Statutes, entitled "Of the traffic in intoxicating drinks;"

To the General Committee.

Mr. Green, from the Committee on Printing to whom was referred bills entitled

S. 27. An act relating to depositions;

S. 29. An act providing for the establishment of true-meridian lines, and for regulating the practice of surveying in this State;

Reported, recommending the printing of three hundred

and fifty copies of each of said bills; thereupon they were severally

Ordered to lie and be printed.

The President laid before the Senate the following communication from his Excellency, the Governor:

STATE OF VERMONT,

Executive Chamber, Montpelier, October 26, 1869. }

To the President of the Senate:

SIR: I have the honor to transmit herewith to the Senate the report of "Commissioners of River Fisheries," with an accompanying bill recommended by them.

I remain, &c.,

PETER T. WASHBURN.

The report of Commissioners of River Fisheries was submitted, and on motion of Mr. Farnham, the report and accompanying bill were

Ordered to lie, and the Secretary directed to procure the printing of five hundred copies for the use of the General Assembly.

(For Report, see Appendix.)

A bill entitled

S. 21. An act directing the Governor to appoint a committee to investigate the matter of changing the site of the State Prison;

Having been printed, was taken up, and on motion of Mr. Ladd, was referred to a select committee consisting of three Senators.

Senator Heath in the chair.

On motion of Mr. Hastings, the Senate adjourned at eleven o'clock and eight minutes.

AFTERNOON.

Mr. Farnham introduced a bill entitled

S. 31. An act in amendment of an act entitled "An act for organizing the militia;"

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Dewey, from the Committee on Finance to whom was referred a bill entitled

S. 23. An act to amend section thirty-eight of chapter twenty of the General Statutes, relating to the relief of the insane poor ;

Reported in favor of its passage ; thereupon the bill was *Ordered* to be engrossed, and read the third time.

The hour having arrived for a Joint Assembly, the Senate repaired to the Hall of the House of Representatives.

Having returned therefrom, Mr. Green, from the Committee on Printing to whom was referred a bill entitled

S. 31. An act in amendment of an act entitled "An act for organizing the militia ;"

Reported, recommending the printing of three hundred and fifty copies ; thereupon the bill was

Ordered to lie and be printed.

On motion of Mr. Saxe, the Senate adjourned at three o'clock and fifteen minutes.

THURSDAY, OCTOBER 28, 1869.

Prayer by the Chaplain.

Journal of Wednesday was read and approved.

Bills of the following titles having been printed, were taken up, and referred, as follows :

S. 27. An act relating to depositions ;

S. 29. An act providing for the establishment of true meridian lines, and for regulating the practice of surveying in this State ;

To the Committee on the Judiciary.

S. 31. An act in amendment of an act entitled "An act for organizing the militia ;"

To the Committee on Military Affairs.

Mr. Halbert introduced a bill entitled

S. 32. An act in amendment of chapter eighty-three of the General Statutes, entitled "Of the grand list;"

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Hall introduced a bill entitled

S. 33. An act to protect fish in Tuttle Pond;

Which was read the first and second time, and referred to the General Committee.

The President announced as the select committee on Senate bill No. 31, entitled "An act directing the Governor to appoint a committee to investigate the matter of changing the site of the State Prison,"

Senator Ladd,

" Dewey of Washington,

" Jones.

Mr. Dewey of Washington introduced a bill entitled

S. 34. An act changing the name of and relating to the Northfield Cemetery;

Which was read the first and second time, and referred to the General Committee.

Mr. Collamer introduced a bill entitled

S. 35. An act to regulate trials in justice courts;

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Farnham introduced a bill entitled

S. 36. An act in relation to insurance agents;

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Green, from the Committee on Printing to whom was referred a bill entitled

S. 32. An act in amendment of chapter eighty-three of the General Statutes, entitled "Of the grand list;"

Reported, recommending the printing of three hundred and fifty copies of the bill; thereupon it was

Ordered to lie and be printed.

Engrossed bill entitled

S. 23. An act to amend section thirty-eight of chapter twenty of the General Statutes, relating to the relief of the insane poor;

Was read the third time and passed.

President *pro tempore* in the chair.

On motion of Mr. Halbert, the Senate adjourned at eleven o'clock and ten minutes.

AFTERNOON.

Mr. Halbert, from the General Committee to whom was referred House bill entitled

H. 29. An act laying a tax on the county of Caledonia;

Reported in favor of its passage; thereupon the bill was read a third time, and passed in concurrence.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows;

MR. PRESIDENT: I am directed to inform the Senate that the House have passed House bills of the following titles:

H. 16. An act in amendment of section four of chapter one hundred and eight of the General Statutes, entitled "Of mechanics' and other liens;"

H. 28. An act in amendment of section nine of chapter eighteen of the General Statutes, relating to laying out and enlarging burial grounds;

H. 35. An act in amendment of No. 22, acts of 1867, relating to married women as witnesses;

In the passage of which the concurrence of the Senate is requested.

Mr. Halbert, from the General Committee to whom was referred a bill entitled

S. 30. An act to incorporate the Middletown Spring Company;

Reported in favor of its passage; thereupon the bill was *Ordered* to be engrossed and read the third time.

Mr. Dickerman, from the Committee on the Judiciary to whom was referred a bill entitled

S. 16. An act relating to public easements;

Reported in favor of its passage; thereupon the bill was *Ordered* to be engrossed, and read a third time to-morrow afternoon.

Mr. Pingry, from the Committee on the Judiciary to whom was referred a bill entitled

S. 12. An act in amendment of sections three and four of chapter one hundred and fourteen of the General Statutes, relating to forgery and counterfeiting;

Reported in favor of its passage; thereupon the bill was *Ordered* to be engrossed, and read the third time.

Mr. Wheeler, from the Committee on the Judiciary to whom was referred House bill entitled

H. 11. An act relating to the city of Burlington and the city court of said city;

Reported in favor of its passage; thereupon the bill was Read a third time, and passed in concurrence.

Mr. Heath, from the Committee on Federal Relations to whom was referred House bill entitled

H. 38. An act providing for the ceding of the Antietam and Gettysburgh cemeteries to the United States;

Reported in favor of its passage; thereupon the bill was Read a third time, and passed in concurrence.

Mr. Heath, from the Committee on the Judiciary to whom was referred bills entitled

S. 3. An act in amendment of section fifteen of chapter sixty-three of the General Statutes, in relation to the limitation of actions;

S. 7. An act in amendment of an act entitled "An act in amendment of chapter eighty-three of the General Statutes, entitled 'Of the grand list,'" approved November 9, 1865;

Reported in favor of their passage; thereupon they were severally

Ordered to be engrossed, and read a third time to-morrow afternoon.

Mr. Merrill, from the General Committee to whom was referred a bill entitled

S. 24. An act to amend chapter ninety-four of the General Statutes, entitled "Of the traffic in intoxicating drinks;"

Reported the same, recommending that it be amended in section 1, line 5, by adding the words "*when complaint is made, or otherwise, to the*;" also, in line 6, by striking out the word "*or*;"

Which was agreed to; thereupon the bill, as amended, was

Ordered to be engrossed, and read a third time to-morrow afternoon.

Mr. Merrill, from the General Committee, submitted the following report:

The General Committee to whom was referred the following bills:

H. 4. An act to incorporate the Green Mountain Marble Company;

H. 5. An act to incorporate the Otter Creek Dairy Company;

H. 22. An act to incorporate the Springfield Flouring Mill Company;

Respectfully beg leave to report that, having considered the same, and in view of a resolution which passed the Senate October 19, 1869, to wit: "That any Committee, to whom any bill is referred, are hereby instructed to report against the passage of the same, if, in their opinion, the provisions made by the Statutes are already sufficient to effect the object contemplated by said bill," referring to chapter 86, section 42, of the Statutes, are of opinion that these bills ought not to pass.

GEO. MERRILL,

for Gen. Com.

Thereupon the third reading of each of said bills was severally refused.

Mr. Pingry, from the Committee on the Judiciary to whom was referred a bill entitled

S. 5. An act permitting parties in civil suits to challenge Jurors;

Reported, recommending that it be amended in section one by erasing the word "*three*," and inserting the word "*two*;"

Which was agreed to; thereupon the bill was

Ordered to be engrossed, and read a third time to-morrow afternoon.

Mr. Royce, from the Committee on the Judiciary to whom was referred a bill entitled

S. 13. An act in relation to estoppels;

Reported adversely to its passage; thereupon the

Engrossment and third reading of the bill was refused.

Mr. Hall, from the Committee on Agriculture to whom was referred a bill entitled

S. 18. An act relating to drains and common sewers;

Reported in favor of its passage; thereupon the bill was

Ordered to be engrossed and read a third time to-morrow afternoon.

Mr. Green, from the Committee on Printing to whom was referred bills entitled

S. 35. An act to regulate trials in justice courts ;

S. 36. An act in relation to insurance agents ;

Reported the same, recommending the printing of three hundred and fifty copies of each of said bills ; thereupon they were severally

Ordered to lie and be printed.

House Bills of the following titles were severally read the first and second time, and referred, as follows :

H. 16. An act in amendment of section four of chapter one hundred and eight of the General Statutes, entitled "Of mechanics' and other liens ;"

H. 35. An act in amendment of No. 22, acts of 1867, relating to married women as witnesses ;

To the Committee on the Judiciary.

H. 28. An act in amendment of section nine of chapter eighteen of the General Statutes, relating to laying out and enlarging burial grounds ;

To the General Committee.

Mr. Halbert, from the General Committee to whom was referred a bill entitled

S. 34. An act changing the name of and relating to the Northfield Cemetery Association ;

Reported in favor of its passage ; thereupon the bill was

Ordered to be engrossed and read a third time.

On motion of Mr. Heath, the Senate adjourned at three o'clock.

FRIDAY, OCTOBER 29, 1869.

President *pro tempore* in the chair.

Prayer by the Chaplain.

Journal of Thursday was read, corrected and approved.

Mr. Merrill presented the following petitions, praying for the commutation of the sentence of Horace R. Plumley :

That of Rufus Holt and thirty others, citizens of Pitts-

field; that of Geo. W. Sawyer and sixteen others, citizens of Rutland county; that of Chas. Beebe and sixty-two others, citizens of Mendon and Rutland; that of N. P. Simonds and forty others, citizens of Rutland; that of H. R. Jones and thirteen others, citizens of Benson; that of D. F. Goodrich and thirty others, citizens of Brandon; that of A. W. Nicholson and one hundred and forty-three others, citizens of Wallingford; that of Ben. K. Chase and two others; that of F. M. Cilley and nineteen others, citizens of Rutland county; that of B. W. Burt and forty-three others, citizens of Castleton; that of John Cain and forty-three others, citizens of Rutland; that of H. W. Wilcox and one hundred and forty-seven others, citizens of Shrewsbury; that of Philander Hall and thirty-two others, citizens of Rutland county; that of E. W. Aldrich and twenty-five others, citizens of Shrewsbury; that of Patrick Kelley and forty-three others, citizens of Rutland; that of H. S. Buttles and fifty-two others, citizens of Brandon; that of A. C. Blaisdell and sixteen others, citizens of Rutland; that of J. Joslin and forty-five others, citizens of Poultney; that of Horace R. Plumley, Ziba Plumley and Fred. G. Plumley; that of Capen Leonard and sixty-six others, citizens of Pittsford and Rutland; that of Ezra Edson and fifty-five others, citizens of Mendon; that of John Cooke and fourteen others, citizens of Rutland; that of John Landon and twenty-four others, citizens of Rutland and Mendon; that of William Lord and thirty-five others, citizens of Mount Holly; that of Henry Hayward and thirteen others, citizens of Rutland; that of W. L. Bucklin and seventeen others, citizens of Shrewsbury; that of Enoch Smith and one hundred and ten others, citizens of Clarendon; that of Henry Clark and forty-three others, citizens of Rutland; that of Hon. David E. Nicholson and other citizens of Rutland county.

These petitions contain signatures of over twelve hundred citizens of the county of Rutland, praying for the commutation of the sentence of death to imprisonment for life in the State Prison.

On motion of Mr. Merrill, said petitions were referred to a Committee consisting of five senators.

Mr. Benedict introduced a bill entitled

S. 37. An act in amendment of section fifteen of chapter one of the General Statutes, relating to the election of town representatives;

Which was read the first and second time, and referred to the Committee on Printing.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have passed House bills of the following titles:

H. 1. An act to alter the name of the Montpelier Meeting House Society, enlarge the powers thereof, and fix the time for holding the annual meeting;

H. 2. An act to commute the sentence of Horace R. Plumley;

H. 3. An act for the relief of School District No. 4, in Middlebury;

In the passage of which the concurrence of the Senate is requested.

Engrossed bill entitled

S. 12. An act in amendment of sections three and four of chapter one hundred and fourteen of the General Statutes, relating to forgery and counterfeiting;

Was read the third time and passed.

The President announced as the Select Committee on the petitions for the commutation of the sentence of Horace R. Plumley:

Senator Merrill,

“ Royce,

“ Collamer,

“ Farnham,

“ Orvis.

Mr. Benedict introduced a bill entitled

S. 38. An act to pay Peter Lander, Jr., the sum therein mentioned;

Which was read the first and second time, and referred to the Committee on Claims.

House bills of the following titles were severally read the first and second time, and referred, as follows:

H. 1. An act to alter the name of the Montpelier Meeting House Society, enlarge the powers thereof, and fix the time of holding the annual meeting;

To the General Committee.

H. 2. An act to commute the sentence of Horace R. Plumley;

To the Select Committee to whom was referred the petitions on the same subject.

H. 3. An act for the relief of school district No. 4, in Middlebury;

To the Committee on Education.

Mr. Collamer introduced a bill entitled

S. 39. An act to provide for the employment of Reporter in county court;

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Green, from the Committee on Printing to whom was referred bills entitled

S. 37. An act in amendment of section fifteen of chapter one of the General Statutes, relating to the election of town representatives;

S. 39. An act to provide for the employment of Reporter in county court;

Reported, recommending the printing of three hundred and fifty copies of each of said bills; thereupon the bills were severally

Ordered to lie and be printed.

On motion of Mr. Merrill, the Senate adjourned at eleven o'clock and fifteen minutes.

AFTERNOON.

Bills of the following titles having been printed, were taken up, and referred, as follows:

S. 35. An act to regulate trials in justice courts;

S. 32. An act in amendment of chapter eighty-three of the General Statutes, entitled "Of the grand list;"

To the Committee on the Judiciary.

S. 36. An act in relation to insurance agents;

To the General Committee.

Engrossed Bills of the following titles were severally read the third time and passed:

S. 3. An act in amendment of section fourteen of chapter sixty-three of the General Statutes, in relation to limitation of actions;

S. 5. An act permitting parties in civil suits to challenge jurors ;

S. 7. An act in amendment of an act entitled "An act in amendment of chapter eighty-three of the General Statutes, entitled 'Of the grand list,'" approved November 9, 1865 ;

S. 16. An act relating to public easements ;

S. 24. An act to amend chapter ninety-four of the General Statutes, entitled "Of traffic in intoxicating drinks."

Mr. Royce, from the Committee on the Judiciary to whom was referred House bill

H. 28. An act in amendment of section nine of chapter eighteen of the General Statutes, relating to laying out and enlarging burial grounds ;

Reported in favor of its passage ; thereupon the bill was read a third time, and passed in concurrence.

Mr. Heath, from the Committee on the Judiciary, to whom was referred bills entitled

S. 2. An act defining who shall be voters in town meetings ;

S. 20. An act to repeal "An act for the advancement of the science of medicine and surgery," approved November 10, 1868 ;

Reported in favor of their passage ; thereupon they were severally

Ordered to be engrossed and read the third time to-morrow afternoon.

Mr. Wheeler, from the Committee on the Judiciary to whom was referred House bill entitled

H. 16. An act in amendment of section four of chapter one hundred and eight of the General Statutes, entitled "Of mechanics' and other liens ;"

Reported in favor of its passage ; thereupon the bill was read a third time, and passed in concurrence.

Mr. Merrill, from the General Committee to whom was referred House bill entitled

H. 1. An act to alter the name of the Montpelier Meeting House Society, enlarge the powers thereof, and fix the time of holding the annual meeting ;

Reported in favor of its passage ; thereupon the bill was read a third time, and on motion of Mr. Dewey of Washington,

Ordered to lie.

Mr. Dickerman, from the Committee on the Judiciary to whom was referred a bill entitled

S. 19. An act to amend section six of chapter eighty-three of the General Statutes, relating to the grand list;

Reported against its passage; thereupon the engrossment and third reading of said bill was refused.

Mr. Green, from the Committee on Claims to whom was referred a bill entitled

S. 17. An act to pay J. A. Mansur the sum therein named;

Reported, recommending that the blank in said bill be filled by inserting the words "*eighty-eight dollars and ninety-five cents*;"

Which was agreed to; thereupon the bill was
Ordered to be engrossed and read a third time.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have passed bills of the following titles:

H. 21. An act to incorporate the Brattleboro and Bennington Railroad Company;

H. 23. An act to amend section one of chapter seventy-one of the General Statutes, relating to the rights of married women;

H. 62. An act to incorporate the Vermont Trust Company;

In the passage of which the concurrence of the Senate is requested.

Mr. Pingry introduced a bill entitled

S. 40. An act in addition to chapter eighty-three of the General Statutes, entitled "*Of the grand list*;"

Which was read the first and second time, and referred to the Committee on Printing.

House bills of the following titles were severally read the first and second time, and referred, as follows:

H. 21. An act to incorporate the Brattleboro and Bennington Railroad Company;

To the Committee on Railroads.

H. 23. An act to amend section one of chapter seventy-one of the General Statutes, relating to the rights of married women;

To the Committee on the Judiciary.

H. 62. An act to incorporate the Vermont Trust Company;

To the Committee on Banks.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have considered Senate bills of the following titles:

S. 15. An act to incorporate the Alburgh, Highgate and Plattsburgh Steam Ferry Company;

S. 23. An act to amend section thirty-eight of chapter twenty of the General Statutes, relating to the relief of the insane poor;

And have passed the same in concurrence.

On motion of Mr. Green, the Senate adjourned at three o'clock and fifteen minutes.

SATURDAY, OCTOBER 30, 1869.

Prayer by the Chaplain.

Journal of Friday was read and approved.

Mr. Dale introduced a bill entitled

S. 41. An act in relation to the action of account;

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Royce introduced a bill entitled

S. 42. An act to amend an act entitled "An act to establish the incorporation of the Tehuantepec Railway Company," approved November 10, 1868;

Which was read the first and second time, and referred to the Committee on Railroads.

Mr. Royce presented the petition of the Tehuantepec Railway Company, praying for the passage of a bill amending the charter of said Company;

Which was read, and referred to the Committee on Railroads.

Mr. Copeland introduced a bill entitled

S. 43. An act in amendment of section nine of chapter twenty-two of the General Statutes, relating to superintendent of common schools ;

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Green, from Committee on Printing to whom was referred a bill entitled

S. 40. An act in addition to chapter forty-three of the General Statutes, entitled " Of the grand list ;"

Reported adversely to the printing of the same ; thereupon the printing of said bill was refused, and it was referred to the General Committee.

Mr. Green, from the Committee on Printing to whom was referred a bill entitled

S. 41. An act in relation to the action of account ;

Reported, recommending the printing of three hundred and fifty copies of the bill ; thereupon it was

Ordered to lie and be printed.

Engrossed bills of the following titles were severally read the third time and passed :

S. 30. An act to incorporate the Middletown Spring Company ;

S. 34. An act changing the name of, and relating to, the Northfield Cemetery Association.

Senator Dewey of Washington in the chair.

Mr. Green, from the Committee on Printing to whom was referred a bill entitled

S. 43. An act in amendment of section nine of chapter twenty-two of the General Statutes, relating to superintendent of common schools ;

Reported, recommending the printing of three hundred and fifty copies ; thereupon the bill was

Ordered to lie and be printed.

Mr. Heath introduced the following resolution, which was read and adopted :

Resolved, That the Committee on Manufactures be and are hereby directed to enquire as to whether any legislation is necessary or expedient for the encouragement of manufactures in this State, and to report by bill or otherwise.

On motion of Mr. Orvis, the Senate adjourned at eleven o'clock and five minutes.

AFTERNOON.

Engrossed bills entitled

S. 2. An act defining who shall be voters in town meetings;

S. 17. An act to pay Joseph A. Mansur the sum therein mentioned;

S. 20. An act to repeal an act for the advancement of the science of medicine and surgery, approved November 10, 1868;

Were severally read a third time, and passed.

Mr. Wheeler asked that the Committee on the Judiciary be excused from further consideration of a bill entitled

S. 29. An act providing for the establishment of true meridian lines, and for regulating the practice of surveying in this State;

Which was granted, and the bill was referred to the Committee on Education.

Mr. Nash, from the Committee on Banks to whom was referred

H. 62. An act to incorporate the Vermont Trust Company;

Reported in favor of its passage; thereupon the bill was read a third time, and passed in concurrence.

Mr. Heath, from the Committee on the Judiciary to whom was referred

The memorial of Charles Seaver, praying for the repeal of the blasphemy law;

Reported that the petitioner have leave to withdraw;

Which was agreed to.

Mr. Pingry, from the Committee on the Judiciary to whom was referred House bill entitled

H. 35. An act in amendment of No. 22, of Acts of 1867, relating to married women as witnesses;

Reported, recommending that the Senate propose to the House to strike out section one and substitute the following therefor:

Sec. 1. Section twenty-seven of chapter thirty-six of the

General Statutes, is hereby amended so as to read as follows: No married woman shall be disqualified as a witness in any civil suit or proceeding at law or in equity, prosecuted in the name of or against her husband. Provided that nothing in the section shall be construed to authorize or permit any married woman to testify to any admissions or conversations of her husband, whether made to herself or to a third person;

Which was agreed to; thereupon the bill as amended was read a third time, and passed in concurrence with a proposal of amendment.

A message was received from the House of Representatives by Mr. Newell, their first Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have passed House bills of the following titles:

H. 57. An act to incorporate the Missisquoi and Clyde Rivers Railroad Company, and to enable the towns in the counties of Franklin, Orleans and Essex, to aid in the construction thereof;

H. 40. An act to annex a part of the town of Wilmington to the town of Dover;

H. 70. An act laying a tax on the county of Addison;

H. 33. An act to incorporate the Grand Isle Steamboat Company;

H. 9. An act to enable the towns in the counties of Rutland and Addison, to aid in the construction of the Fairhaven and Lake Shore Railroad;

In the passage of which the concurrence of the Senate is requested.

The Governor has informed the House that he has approved a bill originating in the House, of the following title;

H. 8. An act to provide for the expenses of the Council of Censors.

The House have adopted on their part a joint resolution instructing the Secretary of State and State Librarian to deliver certain books to the representative from South Burlington;

In the adoption of which the concurrence of the Senate is requested.

House bills of the following titles were severally read the first and second time, and referred, as follows:

H. 9. An act to enable the towns in the counties of Rut-

land and Addison to aid in the construction of the Fairhaven and Lake Shore Railroad ;

H. 57. An act to incorporate the Missisquoi and Clyde Rivers Railroad Company, and to enable the towns in the counties of Franklin, Orleans and Essex to aid in the construction thereof ;

To the Committee on Railroads.

H. 40. An act to annex a part of the town of Wilmington to the town of Dover ;

To the General Committee.

H. 33. An act to incorporate the Grand Isle Steamboat Company ;

On motion of Mr. Royce, was referred to a select Committee consisting of the Senators from the counties of Franklin and Grand Isle ;

H. 70. An act laying a tax on the county of Addison ;

On motion of Mr. Nash, was referred to a select Committee consisting of the Senators from the county of Addison.

A message was received from the House of Representatives, by Mr. Newell, their first Assistant Clerk, as follows :

MR. PRESIDENT: I am directed to inform the Senate that the House have adopted joint resolution granting the use of the Hall of the House of Representatives to the Reunion Society of Vermont Officers ;

In the adoption of which the concurrence of the Senate is requested.

A joint resolution from the House of Representatives, as follows :

Resolved by the General Assembly of the State of Vermont, That the Secretary of State and the State Librarian be directed to deliver to the representative from the town of South Burlington for the use of said town, one copy each of all laws, journals, reports of the State Officers and reports of the decisions of the Supreme Court of this State, heretofore published, so far as the same can be done, and leave a sufficient number of copies of such laws, journals and reports in their respective departments ;

Was read and adopted in concurrence.

A joint resolution from the House of Representatives, as follows :

Resolved by the Senate and House of Representatives, That the Hall of the House of Representatives be and the same is hereby granted to the Reunion Society of Vermont

Officers for the delivery of the annual address before the same, on Thursday evening, November 4, 1869;

Was read and adopted in concurrence.

Mr. Heath, from the Committee on the Judiciary to whom was referred a bill entitled

S. 35. An act to regulate trials in justice courts;

Reported, recommending that the bill be amended in section one, line twelve, by striking out the word "*eighteen*" and inserting in lieu thereof the word "*nine*;"

Which was agreed to.

Second, In section one, line twenty-four, by striking out the word "*fifteen*" and inserting the word "*six*;"

Which was agreed to.

Third, In section one, by striking out from thirty-sixth line to the forty-third line inclusive, the words: "*When two of the jurors are agreed upon a verdict they shall return it to the justice as the verdict of the jury, and it shall be as binding as if it had been agreed to by the three jurors*;"

Which was agreed to; the question being, Shall the bill be engrossed and read a third time? on motion of Mr. Dale, the bill was

Ordered to lie and be made the special order on Tuesday afternoon next at two and one half o'clock.

A message from his Excellency, the Governor, by Mr. Marsh, Secretary of Civil and Military Affairs, as follows:

MR. PRESIDENT: I am directed by the Governor to inform the Senate that he has this day approved and signed a bill originating in the Senate, of the following title, viz.:

S. 23. An act to amend section thirty-eight of chapter twenty of the General Statutes, relating to the relief of the insane poor.

Mr. Elkins, from the Committee on Bills, submitted the following report:

To the Honorable Senate now in session:

The Committee on Bills respectfully report that they have duly examined the following entitled bills, and have this day presented the same to the Governor for his approval;

S. 15. An act to incorporate the Alburgh, Highgate and Plattsburgh Steam Ferry Company;

S. 23. An act to amend section thirty-eight of chapter

twenty of the General Statutes, relating to the relief of the insane poor.

W. G. ELKINS, for Committee.

On motion of Mr. Royce, the Senate adjourned at three o'clock and fifteen minutes.

MONDAY, NOVEMBER 1, 1869.

Prayer by the Chaplain.

The Journal of Saturday was read and approved.

Bills of the following titles having been printed, were taken up, and referred, as follows:

S. 37. An act in amendment of section fifteen of chapter one of the General Statutes, relating to the election of town representatives ;

To the Committee on Elections.

S. 39. An act creating degrees in the crime of murder ;

S. 41. An act in relation to the action of account ;

To the Committee on the Judiciary.

S. 43. An act in amendment of section nine of chapter twenty-two of the General Statutes, relating to superintendent of common schools ;

To the Committee on Education.

The President laid before the Senate the following communication from his Excellency, the Governor:

STATE OF VERMONT,
Executive Chamber, Montpelier, October 29, 1869. }
To the President of the Senate :

SIR: I have the honor to inform the Senate that I have this day appointed Evelyn Pierpoint of Rutland, Inspector of Finance for the year ensuing.

I remain, &c.,

PETER T. WASHBURN.

On motion of Mr. Dewey of Washington, House bill entitled

H. 1. An act to alter the name of the Montpelier Meeting House Society, enlarge the powers thereof, and fix the time of holding the annual meeting,

Was taken up; and the question being, Shall the bill pass in concurrence? it was decided in the affirmative.

A message was received from the House of Representatives, by Mr. Newell, their first Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have passed House bills of the following titles:

H. 6. An act changing the name of Eva Julia Manley, and constituting her heir-at-law of Elijah S. Mead and Rhoda Mead;

H. 36. An act to extend the Fairhaven and Lake Shore Railroad;

H. 55. An act consolidating the Beldens Falls Branch Railroad Company and the Beldens Falls Marble Company;

H. 68. An act to incorporate the West Milton Cheese Manufacturing Company;

H. 59. An act to incorporate the Bristol Manufacturing Company;

H. 52. An act to incorporate Barre Railroad Company;

In the passage of which the concurrence of the Senate is requested.

The House have, on their part, adopted joint resolutions relating to adjournment;

In the adoption of which the concurrence of the Senate is requested.

On motion of Mr. Royce, the Senate adjourned at ten o'clock and forty-five minutes.

AFTERNOON.

President *pro tempore* in the chair.

A message was received from the House of Representatives, by Mr. Newell, their first Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have passed House bills of the following titles:

H. 7. An act to change the name of George O. Foskett, and constitute him heir-at-law of Orville Ford ;

H. 54. An act changing the name of Edward Abbott and constituting him heir-at-law of Stillman and Mary Ann Atwood ;

H. 58. An act appropriating fines and costs ;

H. 60. An act to incorporate the Rupert Dairy Association ;

H. 63. An act to incorporate the Vermont Alum Company ;

H. 67. An act in amendment of section eighty-two of chapter fifteen of the General Statutes, relating to jurisdiction of constables ;

H. 71. An act laying a tax on the county of Washington ;

H. 77. An act changing the name of Joseph Watson Goodnow ;

H. 91. An act laying a tax on the county of Chittenden ;

H. 92. An act to legalize the grand list of the town of Woodford ;

H. 94. An act to enable the town of Hartland to aid in bridging the Connecticut River.

H. 95. An act to change the name of Elmira S. Butterfield and constitute her heir-at-law of Elijah P. Shattuck and Nancy Shattuck ;

In the passage of which the concurrence of the Senate is requested ;

Mr. Wheeler, from the Committee on the Judiciary to whom was referred so much of the message of his Excellency, the Governor, as relates to the rate of interest ;

Reported, recommending the passage of an accompanying bill ; thereupon a bill entitled

S. 44. An act relating to the rate of interest ;

Was read the first and second time, and referred to the Committee on Printing.

House bills of the following titles were severally read the first and second time, and referred, as follows :

H. 6. An act changing the name of Eva Julia Manley and constituting her heir-at-law of Elijah S. Mead and Rhoda Mead ;

H. 7. An act to change the name of George O. Foskett and constitute him heir-at-law of Orville Ford ;

H. 54. An act changing the name of Edward Abbott,

and constituting him heir-at-law of Stillman and Mary Ann Atwood;

H. 77. An act changing the name of Joseph Watson Goodnow;

H. 95. An act to change the name of Almira S. Butterfield and constitute her heir-at-law of Elijah P. Shattuck and Nancy Shattuck;

To the General Committee.

H. 36. An act to extend the Fairhaven and Lake Shore Railroad;

H. 52. An act to incorporate the Barre Railroad Company;

H. 55. An act consolidating the Belden Falls Branch Railroad Company and the Belden Falls Marble Company;

To the Committee on Railroads.

H. 58. An act appropriating fines and costs;

H. 67. An act in amendment of section eighty of chapter fifteen of the General Statutes, relating to the jurisdiction of constables;

H. 92. An act to legalize the grand list of the town of Woodford;

To the Committee on the Judiciary.

H. 60. An act to incorporate the Rupert Dairy Association;

H. 59. An act to incorporate the Bristol Manufacturing Company;

H. 63. An act to incorporate the Vermont Alum Company;

To the Committee on Manufactures.

H. 94. An act to enable the town of Hartland to aid in bridging the Connecticut River;

To the Committee on Highways, Bridges and Ferries.

H. 68. An act to incorporate the West Milton Cheese Manufacturing Company;

To the Committee on Agriculture.

H. 71. An act laying a tax on the county of Washington;

On motion of Mr. Dewey of Washington, was referred to a select Committee consisting of the Senators from the county of Washington.

H. 91. An act laying a tax on the county of Chittenden;

On motion of Mr. Halbert, was referred to a select Com-

mittee consisting of the Senators from the county of Chittenden.

A joint resolution from the House of Representatives :

Resolved by the Senate and House of Representatives,
That a Committee of two Senators and three representatives be appointed by the presiding officer of each House respectively, to fix on the earliest day possible, consistent with the business of the session, for the final adjournment of the General Assembly, and report as soon as practicable ;

Was read and adopted in concurrence.

On motion of Mr. Hutchinson of Orange, the Senate adjourned at three o'clock and five minutes.

TUESDAY, NOVEMBER 2, 1869.

Prayer by the Chaplain.

Journal of Monday was read and approved.

Mr. Dewey of Washington introduced a bill entitled

S. 45. An act in amendment of an act to enable the towns therein named to aid in the construction of the Montpelier and St. Johnsbury and Essex Railroad, approved March 28, 1867 ;

Which was read the first and second time, and referred to the Committee on Railroads.

Mr. Benedict introduced a bill entitled

S. 46. An act to incorporate the Union Trust Company ;

Which was read the first and second time, and referred to the Committee on Banks.

Mr. Merrill introduced a bill entitled

S. 47. An act in addition to an act to establish Rutland graded schools, approved March 28, 1867 ;

Which was read the first and second time, and referred to the Committee on Education.

Mr. Green, from the Committee on Printing to whom was referred a bill entitled

S. 44. An act relating to the rate of interest ;

Reported, recommending the printing of three hundred and fifty copies; thereupon the bill was

Ordered to lie and be printed.

Mr. Merrill introduced a bill entitled

S. 48. An act to amend an act entitled "An act to amend an act entitled 'An act to incorporate the village of Rutland, approved November 15, 1847,'" approved November 19, 1865;

Which was read the first and second time, and referred to the General Committee.

A message from his Excellency, the Governor, by Mr. Marsh, Secretary of Civil and Military Affairs, as follows:

MR. PRESIDENT: I am directed by the Governor to return herewith to the Senate, Senate bill No. 15, entitled "An act to incorporate the Alburgh, Highgate and Plattsburgh Steam Ferry Company," without his approval and with his objections thereto in writing.

The President laid before the Senate a communication from his Excellency, the Governor, as follows:

STATE OF VERMONT,
Executive Chamber, November 2, 1869. }

To the President of the Senate:

SIR: I return herewith to the Senate, without my approval, Senate bill No. 15, entitled "An act to incorporate the Alburgh, Highgate and Plattsburgh Steam Ferry Company."

This bill contains the usual clause limiting the right of the company to contract debts to the extent of three-fourths of the capital stock actually paid in, and making the directors personally liable for all debts in excess of that amount; but it does not contain any prohibition of the withdrawal or diversion from the business of the corporation, during its existence, of any part of the capital actually paid in. The express provision, prohibiting such withdrawal, inserted in section forty-three of chapter eighty-six of the General Statutes, and applicable to all private corporations formed by voluntary association, indicates very clearly that this has become the settled policy of the State. The same prohibition has been inserted in a majority of the special acts incorporating private corporations, enacted since the enactment of the General Statutes; and its omission in any has been probably the result rather of inadvertence than of intention. It is a provision essential for the proper protection of the cred-

itors of the company. Without it, although the debts may not exceed three-fourths of the capital paid in, yet, by using the capital to pay dividends, which is not infrequently done by corporations when their business fails to be profitable, the amount of the actual capital may be reduced below the amount of the debts, and thus a portion of the creditors be left without security or the means of obtaining payment of their claims.

And this objection to the bill is not relieved by the provision in section six, making it subject to the provisions of chapter eighty-six of the General Statutes. It is thereby made subject to the general provisions of that chapter, which are applicable to all private corporations, but not to sections twenty-four to forty inclusive, which by their terms are made applicable only to savings banks and moneyed corporations, nor to section forty-three, which by its terms is made applicable only to corporations organized by voluntary association.

I therefore respectfully return the bill for the further consideration of the Senate.

PETER T. WASHBURN.

Whereupon the Senate proceeded to reconsider the bill so returned with his objections thereto, and being stated by the President, Shall the bill pass notwithstanding the objections of the Governor? it was decided in the negative—yeas 0, nays 20.

These senators who voted in the negative are Messrs.

Benedict,
Copeland,
Dale,
Dewey of Washington,
Dickerman,
Farnham,
Green,

Halbert,
Hall,
Hastings,
Heath,
Hutchinson of Orange,
Ladd,
Merrill,

Nash,
Orvis,
Pingry,
Royce,
Saxe,
Wheeler—20.

So the Senate refused to pass the bill notwithstanding the objections of the Governor.

Mr. Merrill introduced a bill entitled

S. 49. An act fixing the length of time for holding teachers' institutes;

Which was read the first and second time and referred to the Committee on Printing.

Mr. Nash presented the petition of D. H. Clark and twenty-five other teachers in Addison county, praying for an extension of the time for holding teachers' institutes.

Mr. Orvis presented the petition of Eliza M. Clark and

fifty-five other teachers in Bennington county, praying for an extension of time for holding teachers' institutes.

Mr. Dale presented the petition of H. C. Woodard and fifty-four other teachers in Essex county, praying for an extension of time for holding teachers' institutes.

Mr. Hall presented the petition of Julia H. Barley and fifty-seven other teachers of Caledonia county, praying for an extension of the time for holding teachers' institutes.

Mr. Benedict presented the petition of A. F. Chapin and sixty other teachers in Chittenden county, praying for an extension of time for holding teachers' institutes.

Mr. Ladd presented the petition of Hiram E. Manning and nineteen other teachers in Grand Isle county, praying for an extension of the time for holding teachers' institutes.

Mr. Dickerman presented the petition of Oscar Atwood and fifty-eight other teachers in Lamoille county, praying for an extension of time for holding teachers' institutes.

Mr. Dickerman presented the petition of Rev. S. R. Hall and sixty-nine other teachers in Orleans county, praying for an extension of the time for holding teachers' institutes.

Mr. Dewey of Washington presented the petition of J. S. Spaulding and fifty-four teachers, praying for an extension of the time for holding teachers' institutes.

Mr. Ladd introduced a bill entitled

S. 50. An act to incorporate the Alburgh, Plattsburgh and Highgate Steamboat Company ;

Which was read the first and second time, and referred to the General Committee.

Mr. Merrill introduced a bill entitled

S. 51. An act to entitle school districts to send scholars to higher schools ;

Which was read the first and second time, and referred to the Committee on Printing.

Engrossed bill entitled

S. 18. An act relating to drains and common sewers ;
Was read a third time and passed.

Mr. Dale introduced the following resolution, which was read and adopted :

Resolved, That the Committee on the Judiciary be instructed to inquire into the necessity and expediency of a

change in the judiciary system or of an increase of the number of judges of the supreme court, and report by bill or otherwise.

The report of Commissioners of River Fisheries and accompanying bill, having been printed, was taken up, and referred to the General Committee.

On motion of Mr. Wheeler, the Senate adjourned at eleven o'clock and five minutes.

AFTERNOON.

Mr. Dewey of Washington introduced a bill entitled

S. 52. An act for the incorporation of the Trustees of the Parochial Fund of the Protestant Episcopal Church in Diocese of Vermont;

Which was read the first and second time, and referred to the Committee on the Judiciary.

Mr. Heath introduced a bill entitled

S. 53. An act to pay Emory H. Clark the sum therein mentioned.

Which was read the first and second time, and referred to the Committee on Claims.

Mr. Royce, from the Committee on Roads to whom was referred a bill entitled

S. 42. An act to amend an act entitled "An act to establish the incorporation of the Tehuantepec Railway Company," approved November 10, 1868;

Reported in favor of its passage; thereupon the bill was *Ordered* to be engrossed, and read the third time.

Mr. Dale introduced a bill entitled

S. 54. An act laying a tax on the Grand List of the towns of Ferdinand and Lewis;

Which was read the first and second time, and referred to the Committee on Land Taxes.

Mr. Royce, from the Committee on Railroads to whom was referred House bill entitled

H. 52. An act to incorporate the Barre Railroad Company;

Reported in favor of its passage ; thereupon the bill was read a third time and passed in concurrence.

Mr. Dickerman, from the Committee on the Judiciary to whom was referred House bill entitled

H. 58. An act appropriating fines and costs ;

Reported against the passage of the bill ; thereupon the third reading of the bill was refused.

Mr. Green, from the Select Committee consisting of the Senators from the county of Chittenden to whom was referred House bill entitled

H. 91. An act laying a tax on the county of Chittenden ;

Reported in favor of its passage ; thereupon the bill was read a third time, and passed in concurrence.

Mr. Hastings, from a Select Committee to whom was referred House bill entitled

H. 71. An act laying a tax on the county of Washington ;

Reported in favor of its passage ; thereupon the bill was read the third time, and passed in concurrence.

Mr. Wheeler, from the Committee on the Judiciary to whom was referred House bill entitled

H. 67. An act in amendment of section eighty-two of chapter fifteen of the General Statutes, relating to jurisdiction of constables ;

Reported in favor of its passage ; thereupon the bill was read the third time, and passed in concurrence.

Mr. Halbert, from the General Committee to whom was referred the following entitled House bills :

H. 6. An act changing the name of Eva Julia Manley, and constituting her heir-at-law of Elijah S. Mead and Rhoda Mead ;

H. 7. An act to change the name of George O. Foskett and constitute him heir-at-law of Orville Ford ;

H. 54. An act changing the name of Edward Abbott and constituting him heir-at-law of Stillman and Mary Ann Atwood ;

H. 77. An act changing the name of Joseph Watson Goodnow ;

H. 95. An act to change the name of Almira S. Butterfield and constitute her heir-at-law of Elijah P. Shattuck and Nancy Shattuck ;

Reported that they had the same under consideration, and

find that sufficient provision is made for the purposes contemplated in said bills by sections seven, eight and nine of chapter fifty-six of the General Statutes, and in number twenty-two of the Acts of the session of 1863, are of the opinion that the bills ought not to pass ; thereupon the third reading of said bills was severally refused.

Mr. Elkins, from the Committee on Manufactures to whom was referred so much of the Governor's message as "relates to the development of Manufactures," and the resolution of the Senate directing them to inquire as to whether any legislation is necessary or expedient for the encouragement of manufactures in this State,

Reported a bill entitled

S. 55. An act to encourage Manufactures ;

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Green, from the Committee on Printing to whom was referred Senate bills entitled

S. 49. An act fixing the length of time for holding Teachers' Institutes ;

S. 51. An act to entitle School Districts to send scholars to Higher Schools ;

S. 55. An act to encourage Manufactures ;

Reported, recommending the printing of three hundred and fifty copies of each of said bills ; thereupon they were severally

Ordered to lie and be printed.

Mr. Heath, from the Committee on the Judiciary to whom was referred a bill entitled

S. 9. An act to aid the Vermont Historical Society ;

Reported a substitute therefor, as follows :

S. 56. An act in relation to the Vermont Historical Society :

It is hereby enacted by the General Assembly of the State of Vermont :

SECTION 1. *Whenever the Vermont Historical Society shall be dissolved, the books, collections and all the property thereof shall become the exclusive property of the State of Vermont, and said Society shall have no right or power to sell or dispose of any part of its books or collections except by way of exchange, and all such sales or disposals shall be void.*

SECTION 2. *The Secretary of State, the Auditor of Ac-*

counts, and the State Librarian shall be ex-officio members of the Historical Society aforesaid and of the board of Curators thereof.

SECTION 3. *The sum of two hundred and fifty dollars is hereby appropriated to aid the said Historical Society in the preservation of its valuable collection and to putting the same in suitable condition for examination and use.*

SECTION 4. *The aforesaid sum of money shall be paid to the Curators of said Society on the order of the Governor, and said Curators shall settle with the Auditor of Accounts for the proper expenditure of said sum of money.*

SECTION 5. *This act shall not take effect until the said Society shall, by a vote thereof at a meeting regularly called and holden, accept of and adopt this act ;*

Thereupon the bill was read the first and second time, and
Ordered to be engrossed and read the third time.

A bill entitled

S. 35. An act to regulate trials in justice courts ;

Was taken up as a special order, and

Ordered to be engrossed, and read a third time to-morrow afternoon.

A message was received from the House of Representatives by Mr. Newell, their first Assistant Clerk, as follows :

MR. PRESIDENT : I am directed to inform the Senate that the House have considered Senate bills of the following titles :

S. 3. An act in amendment of section fifteen of chapter sixty-three of the General Statutes, in relation to limitation of actions ;

S. 7. An act in amendment of an act entitled " An act in amendment of chapter eighty-three of the General Statutes, entitled ' Of the grand list,' " approved November 9, 1865 ;

S. 5. An act permitting parties in civil suits to challenge jurors ;

And have passed the same in concurrence.

On motion of Mr. Heath, the Senate adjourned at three o'clock and fifteen minutes.

WEDNESDAY, NOVEMBER 3, 1869.

Prayer by the Chaplain.

Journal of Tuesday was read and approved.

Mr. Dewey of Washington introduced a bill entitled
S. 57. An act relating to Phillips Academy and to
school district No. 26 in the town of Danville ;

Which was read the first and second time, and referred to
the Committee on Education.

Mr. Hutchinson of Orange introduced the following joint
resolution :

Resolved by the Senate and House of Representatives,
That the Representatives' Hall be tendered to the Rev. Col-
lins Stone, Superintendent of the Deaf and Dumb Asylum,
Hartford, Conn., that he may exhibit to the members of this
Legislature, at three o'clock this afternoon, some of the mute
children from this State that have been educated at the in-
stitution over which he has the superintendence ;

Which was read and adopted on the part of the Senate.

The following entitled bills having been printed, were
taken up, and referred as follows :

S. 49. An act fixing the length of time for holding
teachers' institutes ;

S. 51. An act to entitle school districts to send scholars
to higher schools ;

To the Committee on Education.

Engrossed bill

S. 42. An act to amend an act entitled " An act to es-
tablish the incorporation of the Tehuantepec Railway Com-
pany," approved November 10, 1868 ;

Was read a third time and passed.

Senator Halbert in the chair.

Mr. Heath introduced a bill entitled

S. 58. An act to protect fish in Silver Lake ;

Which was read the first and second time, and referred to
the General Committee.

A message was received from His Excellency, the Gov-

ernor, by Mr. Marsh, Secretary of Civil and Military Affairs, as follows:

MR. PRESIDENT: I am directed by the Governor to deliver to the Senate a communication in writing with an accompanying document.

The President laid before the Senate the following communication from his Excellency, the Governor:

STATE OF VERMONT,

Executive Chamber, Montpelier, Nov. 3, 1869. }

To the Honorable President of the Senate:

SIR: I have the honor to transmit herewith to the Senate the annual report of the Trustees of the Vermont State Library.

PETER T. WASHBURN.

The annual report of the Trustees of the Vermont State Library

Was read and referred to the Joint Committee on the Library.

The President in the chair.

On motion of Mr. Hall, the Senate adjourned at eleven o'clock and five minutes.

AFTERNOON.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows;

MR. PRESIDENT: I am directed to inform the Senate that the House have on their part adopted a joint resolution providing for a Joint Assembly to elect Judges of the Supreme Court and Reporter;

In the adoption of which the concurrence of the Senate is requested.

The House have considered joint resolution granting the use of the Hall of the House of Representatives to Rev. Collins Stone;

And have passed the same in concurrence.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have passed House bills of the following titles:

H. 66. An act to change the name of Ira Coy and constitute him heir-at-law of Daniel Walker;

H. 88. An act to incorporate the Brandon Cheese Factory Company;

H. 90. An act to protect fish in Symns Ponds and the waters between the same in the town of Ryegate in Caledonia county;

H. 96. An act in addition to chapter thirty-eight of the General Statutes, in relation to new trials;

H. 99. An act to legalize the grand list of the town of Barton for the year therein named;

H. 100. An act in addition to chapter ninety-three of the General Statutes, entitled "An act of the observance of the Sabbath and the disturbance of religious meetings;"

H. 110. An act to legalize the grand list of the town of Lowell for the year 1869;

In the passage of which the concurrence of the Senate is requested.

Have considered Senate bills of the following titles;

S. 17. An act to pay Joseph Mansur the sum therein mentioned;

S. 20. An act to repeal an act for the advancement of the science of medicine and surgery, approved November 10, 1868;

And have passed the same in concurrence.

Mr. Merrill, from the General Committee to whom was referred House bill entitled

H. 40. An act to annex a part of the town of Wilmington to the town of Dover;

Reported in favor of its passage, and on motion of Mr. Heath, the bill was

Ordered to lie, and be made the special order at ten and one half o'clock to-morrow morning.

Mr. Merrill, from the General Committee to whom was referred a bill entitled

S. 36. An act in relation to insurance agents;

Reported adversely to its passage; thereupon the engrossment and third reading of said bill was refused.

Mr. Collamer, from the Committee on Education to whom was referred House bill entitled

H. 3. An act for the relief of school district No. 4 in Middlebury;

Reported in favor of its passage ; thereupon the bill was read a third time, and passed in concurrence.

Mr. Saxe, from the Committee on Manufactures to whom was referred House bills entitled

H. 59. An act to incorporate the Bristol Manufacturing Company ;

H. 60. An act to incorporate the Rupert Dairy Association ;

H. 63. An act to incorporate the Vermont Alum Company ;

Reported, that in view of the fact that provision is made for all such incorporations in chapters eighty-six and ninety of the General Statutes, the bills ought not to pass ; thereupon the third reading of each of said bills was severally refused.

Mr. Hall, from the Committee on Agriculture to whom was referred House bill entitled

H. 68. An act to incorporate the West Milton Cheese Manufacturing Company ;

Reported against its passage ; thereupon the third reading of said bill was refused.

Mr. Hutchinson of Franklin, from the Committee on Highways and Bridges to whom was referred House bill entitled

H. 94. An act to enable the town of Hartland to aid in bridging the Connecticut River ;

Reported in favor of its passage ; thereupon the bill was read a third time, and passed in concurrence.

Mr. Merrill from the Committee on Education to whom was referred a bill entitled

S. 47. An act in addition to an act establishing Rutland graded school, approved March 28, 1867 ;

Reported in favor of its passage ; thereupon the bill was *Ordered* to be engrossed and read a third time.

Mr. Heath, from the Committee on the Judiciary to whom was referred a bill entitled

S. 52. An act for the incorporation of the Trustees of the Parochial Fund of the Protestant Episcopal Church in Diocese of Vermont ;

Reported in favor of its passage ; thereupon the bill was *Ordered* to be engrossed and read a third time.

Mr. Pingry, from the Committee on the Judiciary to whom was referred House bill entitled

H. 92. An act to legalize the grand list of the town of Woodford;

Reported in favor of its passage; thereupon the bill was read a third time, and passed in concurrence.

House bills of the following titles were severally read the first and second time, and referred, as follows:

H. 66. An act to change the name of Ira Coy and constitute him heir-at-law of Daniel Walker;

H. 90. An act to protect fish in Symms Ponds and the waters between the same in the town of Ryegate in Caledonia county;

H. 100. An act in addition to chapter ninety-three of the General Statutes, entitled "An act of the observance of the Sabbath and the disturbance of religious meetings;"

To the General Committee.

H. 88. An act to incorporate the Brandon Cheese Factory Company;

To the Committee on Manufactures.

H. 96. An act in addition to chapter thirty-eight of the General Statutes in relation to New Trials;

H. 99. An act legalizing the grand list of the town of Barton for the year therein named;

H. 110. An act to legalize the grand list of the town of Lowell for the year 1869;

To the Committee on the Judiciary.

Mr. Royce, from the Committee on Railroads to whom was referred House bill entitled

H. 21. An act to incorporate the Brattleboro and Bennington Railroad Company;

Reported in favor of its passage; thereupon the bill was read a third time, and passed in concurrence.

Mr. Farnham introduced a bill entitled

S. 59. An act amending an act in amendment of an act approved November 19, 1867, entitled "Of public lands;"

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Nash, from a Select Committee to whom was referred House bill entitled

H. 70. An act laying a tax on the county of Addison;

Reported in favor of its passage; thereupon the bill was read a third time, and passed in concurrence.

Mr. Hastings, from the Committee on Claims to whom was referred a bill entitled

S. 53. An act to pay Emory H. Clark the sum therein mentioned ;

Reported, recommending that the blank in section one in the bill be filled with the sum of "*forty-five dollars and fourteen cents* ;"

Which was agreed to ; thereupon the bill was

Ordered to be engrossed and read a third time.

Mr. Jones, from the Committee on Railroads to whom was referred House bill entitled

H. 36. An act to extend the Fairhaven and Lake Shore Railroad ;

Reported in favor of its passage ; thereupon the bill was read a third time, and passed in concurrence.

Engrossed bills

S. 35. An act to regulate trials in justice courts ;

S. 56. An act relating to the Vermont Historical Society ;

Were severally read a third time, and passed.

Mr. Heath, from the Committee on the Judiciary :

SENATE CHAMBER, November, 1867.

To the Honorable Senate now in Session :

The Committee on the Judiciary to whom was referred a bill entitled

S. 39. An act to provide for the employment of a reporter in county courts ;

Respectfully report that they have considered the same and find that the business of the courts in several of the counties is very much accumulated, and that the employment of a stenographer to write the testimony and other proceedings usually written during the jury trials would very much facilitate the transaction of business therein, and would essentially lessen the expense of suits at law, both to the parties and to the State, and therefore are of the opinion that it is wise to appoint a Reporter, as provided in said bill.

We recommend that this bill be amended

First, In section one, lines one and two, by striking out the words, "*Judge of the Supreme Court or the presiding Judge.*"

Second, In section one, line three, by striking out the word "*his*" and inserting "*their.*"

Third, In section two, line five, by striking out the word "*Judge*" and inserting the words "*County Court*."

Fourth, In section three, line one, by striking out the word "*Judge*" and inserting the words "*County Court*."

Fifth, In section three, line three, by striking out the words "*or pay*."

CHARLES H. HEATH, for Committee.

The first, second, third and fourth amendments were agreed to ; pending the question on the adoption of the fifth proposal of amendment, on the motion of Mr. Royce, the bill was

Ordered to lie.

Mr. Elkins, from the Committee on Bills, submitted the following report :

SENATE CHAMBER, November 3, 1869.

To the Honorable Senate now in session :

The Committee on Bills respectfully report that they have duly examined the following entitled bills, and have this day presented the same to the Governor for his approval :

S. 3. An act in amendment of section fifteen of chapter sixty-three of the General Statutes, in relation to limitation of actions ;

S. 5. An act permitting parties in civil suits to challenge jurors ;

S. 7. An act in amendment of an act entitled " An act in amendment of chapter eighty-three of the General Statutes, entitled ' Of the grand list ; ' " approved November 9, 1865.

WM. G. ELKINS, for Committee.

On motion of Mr. Hutchinson of Orange, the Senate adjourned at three o'clock and fifteen minutes.

THURSDAY, NOVEMBER 4, 1869.

Prayer by the Chaplain.

Journal of Wednesday was read and approved.

Mr. Dewey introduced a bill entitled

S. 60. An act providing for taxing stock in trust companies or other moneyed corporations organized, or which may be organized, under the laws of this State ;

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Dale introduced a bill entitled

S. 61. An act in relation to the width of cart and lumber wagon tires to be used upon public highways ;

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Pingry introduced a bill entitled

S. 62. An act in addition to chapter one hundred and thirteen, section twenty-six of the General Statutes, and for the more effectual prevention of cruelty to animals ;

Mr. Farnham introduced a joint resolution, as follows :

Resolved by the Senate and House of Representatives,
That the two Houses meet in Joint Assembly in the Hall of the House of Representatives at half past two o'clock this afternoon, for the purpose of electing three trustees of the Vermont Reform School for the year ensuing ;

Which was read and adopted on the part of the Senate.

On motion of Mr. Royce, Senate bill entitled

S. 39. An act to provide for the employment a reporter in county courts,

Was taken up, and the fifth amendment proposed by the Committee was agreed to ; thereupon the bill as amended was *Ordered* to be engrossed and read the third time.

Mr. Heath introduced a bill entitled

S. 63. An act to incorporate Plainfield Building Company ;

Which was read the first and second time, and referred to the General Committee.

House bill entitled

H. 40. An act to annex a part of the town of Wilmington to the town of Dover,

Was taken up as a special order.

Mr. Heath moved to propose to the House to amend by striking out section two and inserting the following therefor:

SECTION 2. *This act shall take effect when each of said towns shall, at a town meeting of and in each of said towns legally warned and holden, vote to adopt the provisions of this act.*

Mr. Halbert moved to amend the proposal of amendment by adding after the word "*holden*" the words "*previous to the last day of March next;*"

Which was agreed to; the question being upon the adoption of the proposal of amendment as amended, it was decided in the negative—yeas 9, nays 12.

Mr. Merrill having demanded the yeas and nays, they were taken, and are as follows:

Those Senators who voted in the affirmative are Messrs.

Dewey of Washington,
Dickerman,
Elkins,

Hastings,
Heath,
Hutchinson of Franklin,

Hutchinson of Orange,
Jones,
Ladd—9.

Those Senators who voted in the negative are Messrs.

Copeland,
Dewey of Windsor,
Green,
Halbert,

Hall,
Merrill,
Nash,
Orvis,

Pingry,
Royce,
Saxe,
Wheeler—12.

So the proposal of amendment was disagreed to; the question being, Shall the bill pass? Mr. Heath demanded the yeas and nays; pending the call of the roll, on motion of Mr. Jones, the bill was

Ordered to lie.

Mr. Halbert, from the General Committee to whom was referred House bill entitled

H. 66. An act to change the name of Ira Coy and constitute him heir-at-law of Daniel Walker;

Reported against its passage; thereupon the third reading of said bill was refused.

Mr. Halbert, from the General Committee to whom was referred a bill entitled

S. 22. An act to enable the proprietors and pew-owners in the union meeting house in Corinth to dispose of the same;

Reported in favor of its passage; thereupon the bill was

Ordered to be engrossed, and read the third time.

A joint resolution from the House of Representatives, as follows:

Resolved by the Senate and House of Representatives, That the two Houses meet in Joint Assembly on Tuesday next at three o'clock, P. M., to elect a Chief Judge and five Assistant Judges of the Supreme Court of this State; also to elect a Reporter of the decisions of said court for the year ensuing;

Which was read and adopted in concurrence.

Engrossed bills entitled

S. 47. An act in addition to an act establishing Rutland graded school, approved March 28, 1867;

S. 52. An act to incorporate the trustees of the parochial fund of the Protestant Episcopal Church in the diocese of Vermont;

Were severally read a third time and passed.

Mr. Merrill, from the General Committee to whom was referred a bill entitled

S. 48. An act to amend an act entitled "An act to amend an act entitled 'An act to incorporate the village of Rutland, approved November 15, 1847,'" approved November 19, 1865;

Reported, recommending that the bill be amended by striking out all after the enacting clause and substituting the following therefor:

An act to amend an act entitled "An act to incorporate the village of Rutland," approved November 15, 1847, and in alteration and amendment of an act in amendment thereof, approved November 9, 1865.

It is hereby enacted by the General Assembly of the State of Vermont:

SECTION 1. *The annual meetings of said village shall be holden at two o'clock in the afternoon instead of seven o'clock as heretofore provided, and shall not be closed until after five o'clock in the afternoon of the same day. The box for receiving ballots at such meetings shall be open at two o'clock in the afternoon and shall remain open three hours, when it shall be closed.*

SECTION 2. *The moderator, clerk, treasurer, collector and trustees of said village shall be elected by ballot, in the following manner: Every person legally qualified to vote for said officers shall deliver in his own proper person, to the presiding*

officer of the meeting, his vote for such officers, on one ballot, with the names of the persons he would elect fairly written or printed thereon, designating the offices intended for the persons voted for respectively. On closing the box as above required, the presiding officer and the clerk shall proceed to sort and count the votes thus given and make a list of the persons voted for—which list shall be certified and signed by said presiding officer and clerk, and recorded by the clerk in the records of said village; and the persons having the greatest number of votes for said offices respectively, shall be deemed to be elected thereto, and shall be so declared by said presiding officer.

SECTION 3. The fire wardens of said village, instead of the present mode of election, shall be appointed, and may at any time be removed, by [a majority of] the board of trustees in their discretion. A certificate of all such appointments and removals shall be filed with the clerk and by him recorded in the records of said village.

SECTION 4. All acts and parts of acts heretofore passed, inconsistent with the provisions of this act, are hereby repealed;

Which was agreed to; thereupon the bill was
Ordered to be engrossed and read a third time.

Mr. Heath introduced the following joint resolution:

Resolved by the Senate and House of Representatives,
That each academy in the State shall be entitled to receive from the State a copy of the Vermont Geological Report of 1861, on satisfactory proof being made to the State Librarian that such institution has not already received a copy from the State;

Which was read and adopted on the part of the Senate.

A bill entitled

S. 44. An act relating to the rate of interest;

Reported from the Committee on the Judiciary, having been printed, was taken up and

Ordered to be engrossed and read a third time.

A bill entitled

S. 55. An act to encourage manufactures;

Reported from the Committee on Manufactures, having been printed, was taken up; the question being, Shall the bill be engrossed and read a third time? on motion of Mr. Royce, was

Ordered to lie.

Mr. Green, from the Committee on Printing to whom was referred bills entitled

S. 60. An act providing for taxing stock in trust companies or other moneyed corporations organized, or which may be organized, under the laws of this State ;

S. 61. An act in relation to the width of cart and lumber wagon tires to be used upon public highways ;

S. 62. An act in addition to chapter one hundred and thirteen, section twenty-six of the General Statutes, for the more effectual prevention of cruelty to animals ;

Reported, recommending the printing of three hundred and fifty copies of each of said bills ; thereupon they were severally

Ordered to lie and be printed.

On motion of Mr. Merrill, the Senate adjourned at eleven o'clock and forty-five minutes.

AFTERNOON.

A message was received from the House of Representatives by Mr. Newell, their First Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have considered joint resolution providing for a Joint Assembly and have adopted the same in concurrence.

And have passed House bills of the following titles:

H. 27. An act to alter and amend an act to incorporate the Fairfax Railroad Company ;

H. 34. An act to change the name of Rosan R. Leathers ;

H. 65. An act granting certain powers to Chester Academy and to school district No. 20 in Chester ;

H. 78. An act to amend an act entitled " An act relating to flowage ;"

H. 79. An act in addition to section twenty-nine of chapter twenty-four of the General Statutes, entitled " Of laying out highways and bridges ;"

H. 85. An act relating to the collection of taxes ;

H. 89. An act to incorporate the Dominion Marble Company ;

H. 104. An act relating to ditches and water courses ;

H. 109. An act to enable certain towns to aid in the construction of the Brattleboro and Bennington Railroad ;

H. 116. An act legalizing the grand list of the town of Warren for the years herein named ;

H. 120. An act to enable the towns in the counties of Washington and Orange to aid in the construction of the Barre Railroad ;

H. 121. An act to legalize the grand list of the town of Jay for the years 1867, 1868 and 1869 ;

H. 123. An act to legalize the grand list of the town of Winhall for the year 1869 ;

H. 128. An act to legalize the grand list of the town of Starksboro for the years 1868 and 1869 ;

H. 152. An act laying a tax on the county of Lamoille ;

H. 155. An act in amendment of an act passed November 26, A. D. 1853, incorporating the Springfield Wesleyan Seminary ;

In the passage of which the concurrence of the Senate is requested.

The House have considered Senate bill entitled

S. 18. An act relating to drains and common sewers ;

And do not concur in the passage thereof.

On motion of Mr. Farnham, the vote whereby the engrossment and third reading of a bill entitled

S. 36. An act in relation to insurance agents,

Was refused, was reconsidered, and on motion of Mr. Dale, was

Ordered to lie and be made the special order at two and one half o'clock to-morrow afternoon.

House bills of the following titles were severally read the first and second time, and referred, as follows :

H. 27. An act to alter and amend an act to incorporate the Fairfax Railroad Company ;

To the Committee on Railroads.

H. 34. An act to change the name of Rosan R. Leathers ;

H. 89. An act to incorporate the Dominion Marble Company ;

To the General Committee.

H. 65. An act granting certain powers to Chester Academy and to school district number twenty in Chester ;

To the Committee on Education.

H. 78. An act to amend an act entitled "An act relating to flowage;"

H. 85. An act relating to the collection of taxes;
To the Committee on the Judiciary.

H. 79. An act in addition to section twenty-nine of chapter twenty-four of the General Statutes, entitled "Of laying out highways and bridges;"

To the Committee on Highways and Bridges.

The hour having arrived for a Joint Assembly, the Senate repaired to the Hall of the House of Representatives.

Having returned therefrom,

Mr. Hutchinson of Franklin, from the Committee on Highways and Bridges to whom was referred a bill entitled

S. 37. An act in amendment of section fifteen of chapter one of the General Statutes, relating to the election of town representatives;

Reported in favor of its passage; thereupon the bill was

Ordered to be engrossed, and read a third time to-morrow afternoon.

Mr. Ladd, from a special Committee to whom was referred a bill entitled

S. 21. An act directing the Governor to appoint a committee to investigate the matter of changing the site of the State Prison;

Submitted a report;

(For Report, see Appendix.)

Which was considered, and on motion of Mr. Heath, was *Ordered* to lie, and the Secretary directed to procure the printing of three hundred and fifty copies of the report for the use of the General Assembly.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the Governor has informed the House that he has approved and signed bills originating in the House of the following titles:

H. 1. An act to alter the name of the Montpelier, Meeting House Society, enlarge the powers thereof, and fix the time of holding the annual meeting;

H. 11. An act relating to the city of Burlington and the city court of said city;

H. 16. An act in amendment of section four of chapter one hundred and eight of the General Statutes, entitled "Of mechanics' and other liens;"

H. 28. An act in amendment of section nine of chapter eighteen of the General Statutes, relating to laying out and enlarging burial grounds;

H. 29. An act laying a tax on the county of Caledonia;

H. 38. An act providing for the ceding of the Antietam and Gettysburgh cemeteries to the United States.

Mr. Halbert, from the General Committee to whom was referred a bill entitled

S. 63. An act to incorporate the Plainfield Building Company;

Reported, recommending its passage; thereupon the bill was

Ordered to be engrossed and read the third time.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have considered Senate bill entitled

S. 2. An act defining who shall be voters in town meetings;

And have passed the same in concurrence with proposals of amendment;

In the adoption of which the concurrence of the Senate is requested.

Mr. Royce, from the Committee on Railroads to whom was referred House bill entitled

H. 55. An act consolidating the Beldens Falls Branch Railroad Company and the Beldens Falls Marble Company;

Reported in favor of its passage; thereupon the bill was read a third time and passed in concurrence.

Mr. Royce, from the Committee on Railroads to whom was referred a bill entitled

S. 25. An act to incorporate Barre Railroad Company;

Reported against its passage; thereupon the engrossment and third reading of said bill was refused.

A message from his Excellency, the Governor, by Mr. Marsh, Secretary of Civil and Military Affairs, as follows:

MR. PRESIDENT: I am directed by the Governor to inform

the Senate that he has this day approved and signed bills originating in the Senate, of the following titles, viz.:

S. 3. An act in amendment of section fifteen of chapter sixty-three of the General Statutes, in relation to limitation of actions ;

S. 5. An act permitting parties in civil suits to challenge jurors ;

S. 17. An act to pay J. A. Mansur the sum therein named ;

S. 20. An act to repeal an act for the advancement of the science of medicine and surgery, approved November 10, 1868.

Mr. Dewey of Washington moved that the Senate resolve itself into Executive session at three o'clock to-morrow afternoon, to consider a communication from His Excellency, the Governor ;

Which was agreed to.

Engrossed bill entitled

S. 2. An act defining who shall be voters in town meeting,

Having been returned from the House of Representatives with proposals of amendment, was taken up for consideration, and on motion of Mr. Royce, was

Ordered to lie.

Mr. Farnham, from the Committee on Education to whom was referred a bill entitled

S. 49. An act fixing the length of time for holding Teachers' Institutes ;

Reported, recommending that when the bill shall have been passed that the title of said bill be amended to read as follows : "*An act regulating the attendance of teachers upon Teachers' Institute ;*"

Which was agreed to ; thereupon the bill was

Ordered to be engrossed, and read the third time to-morrow afternoon.

Mr. Halbert, from the General Committee to whom was referred a bill entitled

S. 40. An act in addition to chapter eighty-three of the General Statutes, entitled "Of the grand list ;"

Reported, recommending that the bill be amended as follows :

First, In section one, line five, by adding after the word "deposit," the words, *exceeding two hundred dollars* ;

Which was agreed to.

Second, In section one, line three, by inserting after the word "bank," the words *or stock in any other corporation* ;

Which was agreed to.

Third, In section two, line one, by inserting after the word "deposit," the words *or in other corporations* ;

Which was agreed to ; thereupon the bill as amended was *Ordered* to be engrossed and read the third time.

A message from his Excellency, the Governor, by Mr. Marsh, Secretary of Civil and Military Affairs, as follows :

MR. PRESIDENT : I am directed by the Governor to inform the Senate that he has this day approved and signed a bill originating in the Senate, of the following title, viz.:

S. 7. An act in amendment of an act entitled "An act in amendment of chapter eighty-three of the General Statutes, entitled 'Of the grand list,'" approved November 9, 1865.

* Mr. Jones, from the Committee on Railroads to whom was referred House bill entitled

H. 9. An act to enable the towns in the counties of Rutland and Addison to aid in the construction of the Fairhaven and Lake Shore Railroad ;

Reported in favor of its passage ; thereupon the bill was read the third time and passed in concurrence.

On motion of Mr. Halbert, the Senate adjourned at three o'clock and forty minutes.

FRIDAY, NOVEMBER 5, 1869.

Prayer by the Chaplain.

Journal of Thursday was read and approved.

President *pro tempore* in the chair.

House bills of the following titles were severally read the first and second time, and referred, as follows:

H. 104. An act relating to ditches and water courses;
To the Committee on Agriculture.

H. 109. An act to enable certain towns to aid in the construction of the Brattleboro and Bennington Railroad Company;

To the Committee on Railroads.

H. 116. An act legalizing the grand list of the town of Warren for the years therein named;
To the General Committee.

H. 152. An act laying a tax on the county of Lamoille;
On motion of Mr. Dewey of Washington, was referred to the Senator from the county of Lamoille.

A bill entitled

S. 36. An act in relation to insurance agents,

Was taken up as a special order, and

Ordered to be engrossed and read the third time.

House bills of the following titles were severally read the first and second time, and referred, as follows:

H. 121. An act to legalize the grand list of the town of Jay for the years 1867, 1868 and 1869;

H. 123. An act to legalize the grand list of the town of Winhall for the year 1869;

H. 128. An act to legalize the grand list of the town of Starksboro for the years 1868 and 1869;

To the General Committee.

H. 155. An act in amendment of an "Act incorporating the Springfield Wesleyan Seminary," approved November 26, 1853;

To the Committee on Education.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have considered Senate bills of the following titles:

S. 16. An act relating to public easements;

S. 47. An act in addition to an act to establish Rutland graded schools, approved March 28, 1867;

S. 53. An act to pay Emory H. Clark the sum therein mentioned;

S. 56. An act in relation to the Vermont Historical Society; And have passed the same in concurrence.

And have considered a joint resolution relating to the geological report;

And have adopted the same in concurrence.

On motion of Mr. Jones, House bill entitled

H. 40. An act to annex a part of the town of Wilmington to the town of Dover,

Was taken up; Mr. Pingry moved to reconsider the vote whereby the Senate disagreed to the proposal of amendment to said bill offered by Mr. Heath on Thursday;

Which was agreed to; on the motion of Mr. Heath, the bill was

Ordered to lie and be made the special order on Tuesday next at ten and one-half o'clock, A. M.

Mr. Benedict introduced a bill entitled

S. 65. An act changing the day of the annual meeting of the Board of Education;

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Merrill, from a special Committee to whom was referred House bill entitled

H. 2. An act to commute the sentence of Horace R. Plumley;

Reported in favor of its passage, and on motion of Mr. Merrill,

Ordered to lie, and be made the special order on Tuesday next at two and one half o'clock, P. M.

Mr. Halbert introduced a bill entitled

S. 66. An act to provide for the restoration of sea fish to the rivers of the State;

Which was read the first and second time, and referred to the Committee on Printing.

Bills of the following titles having been printed, were taken up, and referred, as follows :

S. 61. An act in relation to the width of cart and lumber wagon tires to be used upon public highways ;

To the Committee on Highways and Bridges.

S. 60. An act providing for taxing stock companies or other moneyed corporations organized, or which may be organized, under the laws of this State ;

To the Committee on Banks.

S. 59. An act in amendment of an act approved November 19, 1868, entitled " Of public lands ;"

S. 62. An act in addition to chapter one hundred and thirteen, section twenty-six of the General Statutes, and for the more effectual prevention of cruelty to animals ;

To the Committee on the Judiciary.

Engrossed bill entitled

S. 49. An act fixing the length of time for holding teachers' institutes ;

Was read a third time and passed ; thereupon the title of said bill was amended to read as follows : "*An act regulating the attendance of teachers upon teachers' institutes.*"

Engrossed bill entitled

S. 44. . An act relating to the rate of interest ;

Was read a third time and passed.

Engrossed bill entitled

S. 40. An act in addition to chapter eighty-three of the General Statutes, entitled " Of the grand list ;"

Was read a third time ; Mr. Halbert moved to commit to a Senator to amend in section one, line three, by inserting after the word "*hundred*" the words "*and fifty* ;"

Which was agreed to ; the President designated Mr. Halbert as the Senator to whom the bill should be committed for amendment.

Mr. Halbert reported back the bill amended agreeably to the instructions of the Senate ; thereupon the bill was passed.

Engrossed bill entitled

S. 37. An act in amendment of section fifteen of chapter one of the General Statutes, relating to the election of town representatives ;

Was read a third time, considered, and the question being, Shall the bill pass? on motion of Mr. Heath, the bill was

Ordered to lie, and be made the special order on Wednesday afternoon next at two and one half o'clock.

Engrossed bills entitled

S. 39. An act to provide for the employment of a reporter in county courts;

S. 63. An act to incorporate the Plainfield Building Company;

Were severally read a third time and passed.

Engrossed bill entitled

S. 64. An act to amend an act entitled "An act to amend an act entitled an act to incorporate the village of Rutland, approved November 15, 1847," approved November 19, 1865;

Was read a third time and passed; thereupon on motion of Mr. Merrill, the title of the bill was amended to read as follows:

An act to amend an act entitled "An act to incorporate the village of Rutland, approved November 15, 1847," and in alteration and amendment of an act in amendment thereof, approved November 9, 1865.

Mr. Saxe, from the Committee on Manufactures to whom was referred House bill entitled

H. 83. An act to incorporate the Brandon Cheese Factory Company;

Reported, that in view of existing laws the bill ought not to pass; thereupon the third reading of the bill was refused.

Mr. Merrill, from the General Committee to whom was referred House bill entitled

H. 116. An act to legalize the grand list of the town of Warren for the years herein named;

Reported in favor of its passage; thereupon the bill was read a third time and passed in concurrence.

Mr. Dickerman, from the Committee on the Judiciary to whom was referred House bill entitled

H. 99. An act legalizing the grand list of the town of Barton for the year therein named;

Reported in favor of its passage; thereupon the bill was read the third time and passed in concurrence.

Mr. Pingry, from the Committee on the Judiciary to whom was referred a bill entitled

S. 14. An act to amend chapter one hundred and twelve of the General Statutes, entitled "Of offenses against the lives and persons of individuals;"

Reported against its passage; thereupon on motion of Mr. Hutchinson of Orange, the bill was

Ordered to lie, and be made the special order on Tuesday morning next at ten and one half o'clock.

Mr. Pingry, from the Committee on the Judiciary to whom was referred a bill entitled

S. 27. An act relating to depositions;

Reported, recommending that the bill be amended in section one, line four, by inserting after the word "*death*" the words "*other than the depositions of the parties in such suit or proceeding*;"

Which was agreed to; thereupon the bill as amended was

Ordered to be engrossed and read a third time to-morrow afternoon.

Mr. Merrill, from the General Committee to whom was referred a bill entitled

S. 58. An act to protect fish in Silver Lake;

Reported in favor of its passage; thereupon the bill was

Ordered to be engrossed, and read the third time.

On motion of Mr. Saxo, the Senate adjourned at eleven o'clock and fifty-five minutes.

AFTERNOON.

Mr. Heath, from the Committee on the Judiciary to whom was referred a bill entitled

S. 10. An act creating degrees in the crime of murder;

Reported in favor of its passage; thereupon the bill was

Ordered to be engrossed and read a third time to-morrow afternoon.

Mr. Heath, from the Committee on the Judiciary to whom was referred House bills entitled

H. 96. An act in addition to chapter thirty-eight of the General Statutes, in relation to new trials;

H. 85. An act relating to the collection of taxes ;
Reported in favor of their passage ; thereupon they were severally read a third time and passed in concurrence.

Mr. Merrill, from the General Committee to whom was referred House bills entitled

H. 90. An act to protect fish in Symns Ponds and the waters between the same in the town of Ryegate in Caledonia county ;

H. 121. An act to legalize the grand list of the town of Jay for the years 1867, 1868 and 1869 ;

H. 123. An act to legalize the grand list of the town of Winhall for the year 1869 ;

H. 128. An act to legalize the grand list of the town of Starksboro for the years 1868 and 1869 ;

Reported in favor of their passage ; thereupon they were severally read a third time and passed in concurrence.

Mr. Farnham, from the Committee on Education to whom was referred a bill entitled

S. 57. An act relating to Phillips Academy and school district No. 26 in the town of Danville ;

Reported, recommending that the bill be amended by striking out sections ten and eleven and inserting the following therefor :

SECTION 10. School district No. 21 in Danville aforesaid may, on a two thirds vote of the voters in said district present at any regular school meeting called and held for that purpose in accordance with the statutes regulating school meetings, unite with said school district No. 26, and the property of said district No. 21 shall thereupon vest in school district No. 26, and may be sold and conveyed by the prudential committee of the same, provided said district No. 21 take action under this section on or before the first day of January, A. D. 1870 ;

Which was agreed to ; thereupon the bill as amended was *Ordered* to be engrossed and read a third time.

Mr. Merrill, from the General Committee to whom was referred a bill entitled

S. 33. An act to protect fish in Tuttle Pond ;

Reported in favor of its passage ; thereupon the bill was *Ordered* to be engrossed and read a third time.

Mr. Hutchinson of Franklin, from the Committee on Highways and Bridges to whom was referred a bill entitled

S. 50. An act to incorporate the Alburgh, Plattsburgh and Highgate Steamboat Company ;

Reported, recommending that the bill be amended in section five, line five, by inserting the words "*business of the Company during its existence ;*"

Which was agreed to.

Second, In section five, line eight, by inserting the words "*who shall not at the time protest in writing against the same ;*"

Which was agreed to ; thereupon the bill as amended was Ordered to be engrossed and read a third time.

Mr. Royce, from the Committee on Railroads to whom was referred a bill entitled

S. 8. An act to incorporate the Northern Vermont and Lake Champlain Railroad Company ;

Reported, recommending certain amendments, as follows :

First, In section one, line eleven, by striking out the words "*and Essex,*" and inserting therefor the words "*as far as Essex Junction ;*"

Which was agreed to.

Second, In section one, line fifteen, strike out the words "*in Essex*" and insert "*at Essex Junction ;*"

Agreed to.

Third, In section one, by striking out in the fifteenth, sixteenth, seventeenth, eighteenth, nineteenth and twentieth lines the following words : "*Or crossing the same in said Essex; and thence Westerly through Colchester and Burlington to the waters of Lake Champlain, or to a connection with the Rutland and Burlington Railroad in said Burlington ;*"

Which was agreed to, and the bill as amended was

Ordered to be engrossed and read a third time.

Mr. Halbert, from the General Committee to whom was referred House bill entitled

H. 34. An act to change the name of Rosan R. Leathers ;

Reported against its passage ; thereupon the third reading of said bill was refused.

Mr. Nash, from the Committee on Banks to whom was referred a bill entitled

S. 60. An act providing for taxing stock in trust companies or other moneyed corporations, organized, or which may be organized, under the laws of this State ;

Reported in favor of its passage ; thereupon the bill was *Ordered* to be engrossed and read a third time.

Mr. Hutchinson of Franklin, from the Committee on Highways and Bridges to whom was referred House bill entitled

H. 79. An act in addition to section twenty-nine of chapter twenty-four of the General Statutes, entitled "Of laying out highways and bridges ;"

Reported in favor of its passage ; thereupon the bill was read the third time and passed in concurrence.

Mr. Orvis introduced a bill entitled

S. 67. An act in amendment of chapter eighty of the General Statutes ;

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Hutchinson of Franklin (by request) introduced a bill entitled

S. 68. An act to repeal sections sixty and sixty-two of chapter twenty-five of the General Statutes, entitled "Of repairs of highways and bridges ;"

Which was read the first and second time, and referred to the Committee on Printing.

The President announced as the Joint Committee on the part of the Senate on final adjournment,

Senator Dickerman of Orleans,

" Dewey of Windsor.

A message was received from the House of Representatives, by Mr. Newell, their first Assistant Clerk, as follows :

MR. PRESIDENT: I am directed to inform the Senate that the Governor has signed and approved a bill originating in the House of the following title, viz.:

H. 62. An act to incorporate the Vermont Trust Company.

Also that the House have on their part appointed as Joint Committee to fix on a day of final adjournment,

Mr. Pratt of Pomfret,

" Morgan of Rochester,

" Shuffleton of Sunderland.

Mr. Heath presented a remonstrance of R. S. Staples and seventy-one others, a majority of the legal voters of the town of Dover, against annexing the north part of Wilmington to the town of Dover.

Mr. Green, from the Committee on Printing to whom was referred bills entitled

S. 65. An act changing the day of the annual meeting of the Board of Education ;

S. 66. An act to provide for the restoration of sea fish to the rivers of the State ;

S. 67. An act in amendment of chapter eighty of the General Statutes ;

S. 68. An act to repeal section sixty and sixty-two of chapter twenty-five of the General Statutes, entitled "Of repairs of highways and bridges ;"

Reported, recommending the printing of three hundred and fifty copies of each of said bills ; thereupon the bills were severally

Ordered to lie and be printed.

Mr. Copeland, from the Committee on bills, submitted the following report :

SENATE CHAMBER, November 4, 1869.

To the Honorable Senate now in session :

The Committee on Bills respectfully report that they have duly examined the following entitled bills, and have this day presented the same to His Excellency, the Governor, for his approval :

S. 17. An act to pay J. A. Mansur the sum therein named ;

S. 20. An act to repeal an act for the advancement of the science of medicine and surgery, approved November 10, 1868.

L. COPELAND, for Committee.

EXECUTIVE SESSION.

At three o'clock the Senate went into Executive session, to consider a communication from His Excellency, the Governor.

The President laid before the Senate the following communication from his Excellency, the Governor :

EXECUTIVE CHAMBER, }
Montpelier, November 4, 1869. }

To the Honorable President of the Senate :

SIR: I hereby nominate, for the consideration of the Senate, the following named persons, to be the Board of Education for the year ensuing :

First Congressional District :

Merrit Clark of Poultney,
George N. Webber of Middlebury.

Second Congressional District :

Jonathan Ross of St. Johnsbury,
Lafayette F. Ward of Westminster.

Third Congressional District :

Matthew H. Buckham of Burlington,
William A. Robinson of Barton.

PETER T. WASHBURN.

Which was read ; thereupon the nominations of His Excellency, the Governor, of the persons to compose the Board of Education, were confirmed.

The Executive session was then dissolved, and the doors of the Senate opened.

On motion of Mr. Benedict, the Senate adjourned at three o'clock and ten minutes.

SATURDAY, NOVEMBER 6, 1869.

Prayer by Rev. Joseph Underwood of Hardwick.

President *pro tempore* in the Chair.

Journal of Friday was read and approved.

Mr. Heath in the chair.

Mr. Dewey of Washington introduced a bill entitled S. 69. An act relating to the descent and distribution of intestate estates ;

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Royce, from the Committee on Railroads to whom was referred House bills entitled

H. 27. An act to alter and amend an act to incorporate the Fairfax Railroad Company ;

H. 120. An act to enable the towns in the counties of Washington and Orange to aid in the construction of the Barre Railroad ;

Reported in favor of their passage ; thereupon they were severally read the third time and passed in concurrence.

Mr. Green, from the Committee on Printing to whom was referred a bill entitled

S. 69. An act relating to the descent and distribution of intestate estates ;

Reported the same, recommending the printing of three hundred and fifty copies ; thereupon the bill was

Ordered to lie and be printed.

Engrossed bill entitled

S. 36. An act in relation to insurance agents ;

Was read the third time, and the question being, Shall the bill pass ? on motion of Mr. Hutchinson of Orange, the bill was

Ordered to lie, and be made the special order at eleven o'clock A. M. on Tuesday next.

Engrossed bills of the following titles :

S. 60. An act providing for taxing stock in trust companies or other moneyed corporations organized, or which may be organized, under the laws of this State ;

S. 27. An act relating to depositions ;

Were severally read the third time and passed.

Engrossed bill entitled

S. 33. An act to protect fish in Tuttle Pond,

Was taken up ; pending the third reading, on motion of Mr. Collamer, the bill was

Ordered to lie, and be made the special order for Wednesday next at two and one half o'clock, P. M.

Mr. Jones, from the Committee on Railroads to whom was referred a House bill entitled

H. 109. An act to enable certain towns to aid in the construction of the Brattleboro and Bennington Railroad Company ;

Reported in favor of its passage ; thereupon the bill was read a third time and passed in concurrence.

Engrossed bills entitled

S. 57. An act relating to Phillips Academy and to school district No. 26 in the town of Danville ;

S. 10. An act creating degrees in the crime of murder ;
Were severally read the third time and passed.

Engrossed bill entitled

S. 58. An act to protect fish in Silver Lake,
Was taken up ; pending the third reading, on motion of Mr. Collamer, the bill was

Ordered to lie, and be made the special order on Wednesday next at two and one-half o'clock, P. M.

Mr. Dickerman moved that when the Senate adjourn, it adjourn until Monday morning next ;

Which was agreed to.

On motion of Mr. Green, the Senate adjourned at eleven o'clock and twelve minutes.

MONDAY, NOVEMBER 8, 1869.

President *pro tempore* in the chair.

Prayer by Rev. Thadeus F. Stuart of South Burlington.

Journal of Saturday read and approved.

Bills of the following titles having been printed were taken up, and referred, as follows :

S. 65. An act changing the day of the annual meeting of the Board of Education ;

To the Committee on Education.

S. 66. An act to provide for the restoration of sea fish to the rivers of Vermont ;

To the General Committee.

Mr. Wheeler from a majority of the Committee on the Judiciary to whom was referred a bill entitled

S. 4. An act in amendment of an act passed November 2, 1833, incorporating Newbury Seminary ;

Reported the same, recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof as follows:

SECTION 1. *An act incorporating the Newbury Seminary, approved November 2, 1833, is hereby so amended as not to restrain or hinder the trustees of that institution from selling and conveying the real and personal property of the institution and transferring the avails thereof, or any part or all of the personal property unsold, to the Vermont Conference Seminary and Female College at Montpelier.*

SECTION 2. *This act shall take effect from its passage ;*

Which was agreed to ; thereupon the bill was

Ordered to be engrossed and read the third time to-morrow at ten and one half o'clock, A. M.

On motion of Mr. Camp, the Senate adjourned at ten o'clock and twenty minutes.

AFTERNOON.

President *pro tempore* in the chair.

Mr. Dewey of Washington moved to reconsider the vote whereby the engrossment and third reading of a bill entitled S. 4. An act in amendment of an act passed November 2, 1833, incorporating Newbury Seminary,

Was ordered ;

Which was agreed to ; whereupon, on motion of Mr. Dewey of Washington, the bill was

Ordered to lie, and be made the special order on Tuesday next at ten and one half o'clock, A. M.

Bills of the following titles having been printed, were taken up, and referred, as follows:

S. 67. An act in amendment of chapter eighty of the General Statutes ;

S. 69. An act relating to the descent and distribution of intestate estates ;

To the Committee on the Judiciary.

S. 68. An act to repeal sections sixty and sixty-two of

Was read a third time, considered, and the question being, Shall the bill pass? on motion of Mr. Heath, the bill was

Ordered to lie, and be made the special order on Wednesday afternoon next at two and one half o'clock.

Engrossed bills entitled

S. 39. An act to provide for the employment of a reporter in county courts;

S. 63. An act to incorporate the Plainfield Building Company;

Were severally read a third time and passed.

Engrossed bill entitled

S. 64. An act to amend an act entitled "An act to amend an act entitled an act to incorporate the village of Rutland, approved November 15, 1847," approved November 19, 1865;

Was read a third time and passed; thereupon on motion of Mr. Merrill, the title of the bill was amended to read as follows:

An act to amend an act entitled "An act to incorporate the village of Rutland, approved November 15, 1847," and in alteration and amendment of an act in amendment thereof, approved November 9, 1865.

Mr. Saxe, from the Committee on Manufactures to whom was referred House bill entitled

H. 83. An act to incorporate the Brandon Cheese Factory Company;

Reported, that in view of existing laws the bill ought not to pass; thereupon the third reading of the bill was refused.

Mr. Merrill, from the General Committee to whom was referred House bill entitled

H. 116. An act to legalize the grand list of the town of Warren for the years herein named;

Reported in favor of its passage; thereupon the bill was read a third time and passed in concurrence.

Mr. Dickerman, from the Committee on the Judiciary to whom was referred House bill entitled

H. 99. An act legalizing the grand list of the town of Barton for the year therein named;

Reported in favor of its passage; thereupon the bill was read the third time and passed in concurrence.

Mr. Pingry, from the Committee on the Judiciary to whom was referred a bill entitled

S. 14. An act to amend chapter one hundred and twelve of the General Statutes, entitled "Of offenses against the lives and persons of individuals;"

Reported against its passage; thereupon on motion of Mr. Hutchinson of Orange, the bill was

Ordered to lie, and be made the special order on Tuesday morning next at ten and one half o'clock.

Mr. Pingry, from the Committee on the Judiciary to whom was referred a bill entitled

S. 27. An act relating to depositions;

Reported, recommending that the bill be amended in section one, line four, by inserting after the word "*death*" the words "*other than the depositions of the parties in such suit or proceeding*;"

Which was agreed to; thereupon the bill as amended was

Ordered to be engrossed and read a third time to-morrow afternoon.

Mr. Merrill, from the General Committee to whom was referred a bill entitled

S. 58. An act to protect fish in Silver Lake;

Reported in favor of its passage; thereupon the bill was

Ordered to be engrossed, and read the third time.

On motion of Mr. Saxo, the Senate adjourned at eleven o'clock and fifty-five minutes.

AFTERNOON.

Mr. Heath, from the Committee on the Judiciary to whom was referred a bill entitled

S. 10. An act creating degrees in the crime of murder;

Reported in favor of its passage; thereupon the bill was

Ordered to be engrossed and read a third time to-morrow afternoon.

Mr. Heath, from the Committee on the Judiciary to whom was referred House bills entitled

H. 96. An act in addition to chapter thirty-eight of the General Statutes, in relation to new trials;

H. 84. An act to incorporate the Burlington Savings Bank and Trust Company ;

H. 98. An act in amendment of section thirty-three of chapter eighty-four of the General Statutes, entitled "Of the collection of taxes ;"

H. 102. An act to amend the charter of the Free Press Association ;

H. 111. An act in amendment of sections one, nineteen, forty-four, fifty-two, fifty-four, fifty-five, sixty-four, sixty-five, sixty-six and sixty-seven of chapter twenty-four of the General Statutes, entitled "Of laying out and discontinuing highways and bridges ;"

H. 115. An act changing the name of Eddie Dearborn and constituting him heir-at-law of William and Jane L. Cheney ;

H. 131. An act to legalize the grand list of the town of Bakersfield for the years 1867, 1868 and 1869 ;

H. 142. An act to repeal an act approved November 1, 1867, entitled "An act to protect fish in Ticklenacked Pond ;"

H. 153. An act to legalize the grand list of the town of Peru ;

In the passage of which the concurrence of the Senate is requested.

The House have considered Senate bills of the following titles :

S. 1. An act to incorporate the Orleans County Society of Natural Sciences ;

S. 12. An act in amendment of sections three and four of chapter one hundred and fourteen of the General Statutes, relating to forgery and counterfeiting ;

S. 30. An act to incorporate the Middletown Spring Company ;

S. 52. An act for the incorporation of the Trustees of the Parochial Fund of the Protestant Episcopal Church in the Diocese of Vermont ;

And have passed the same in concurrence.

They have also considered Senate bill entitled

S. 35. An act to regulate trials in justice courts ;

And do not concur in the passage thereof.

Mr. Ladd introduced a bill entitled

S. 71. An act to repeal a part of section three of an act approved November 19, 1868, entitled "An act to amend

an act to incorporate the city of Burlington, approved November 22, 1864 ;”

Which was read the first and second time, and referred to the General Committee.

Mr. Farnham introduced a bill entitled

S. 72. An act abolishing the solitary confinement of persons sentenced to death ;

Which was read the first and second time, and referred to the Committee on Printing.

The President laid before the Senate the following communication from his Excellency, the Governor :

STATE OF VERMONT,

Executive Chamber, Montpelier, Nov. 8, 1869. }

To the President of the Senate :

SIR: I have the honor to transmit herewith to the Senate a communication to the General Assembly of the State of Vermont.

I remain, &c.,

PETER T. WASHBURN.

The following communication from his Excellency, the Governor, was read and referred to the Committee on Education :

STATE OF VERMONT,

Executive Chamber, Montpelier, Nov. 8, 1869. }

To the General Assembly of the State of Vermont :

By the provisions of section two chapter twenty-three of the General Statutes, a sum not exceeding twenty-seven hundred dollars is appropriated annually for the benefit of the blind. I find by the records in the office of the Secretary of Civil and Military Affairs, that the amount required and expended for that purpose for the year ending May 1, 1869, was twenty-nine hundred and eighty-five dollars and eighty-three cents, (\$2985.83) exceeding the appropriation by the sum of two hundred and eighty-five dollars and eighty-three cents.

The education of the indigent blind children, as well as of the deaf and dumb, at the expense of the State, is a duty of a higher degree, even, than the education of children in common schools ; it is a charity, as well a duty, which should be extended to every indigent child of those classes in the State. The number of blind children at the Asylum on the first day of May last, supported by the State, was eleven,—requiring an annual expenditure of at least three thousand

and three hundred dollars. The present appropriation is sufficient for but nine pupils. As the Commissioner has no power to exceed the annual appropriation, it follows that the appropriation must be increased, or a portion of the aid extended to the blind during the past year must be withdrawn,—an alternative to be adopted with extreme reluctance.

I respectfully recommend, that the annual appropriation be increased to such sum, as will not only include the necessary expenditure for those who are now beneficiaries of the State, but will allow the aid of the State to be extended to any new cases which may arise, reasonably requiring such aid.

PETER T. WASHBURN.

Mr. Benedict introduced the following joint resolution, which was read and adopted on the part of the Senate :

Resolved by the Senate and House of Representatives, That Mr. A. E. Rankin, Secretary of the State Board of Education, be invited to address the members of the legislature; and that the use of the Hall of the House of Representatives is hereby tendered to him for that purpose on Thursday evening the eleventh instant.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the Governor has informed the House that he has approved and signed bills originating in the House of the following titles:

H. 71. An act laying a tax on the county of Washington;

H. 70. An act laying a tax on the county of Addison;

H. 91. An act laying a tax on the county of Chittenden;

H. 92. An act to legalize the grand list of the town of Woodford;

H. 94. An act to enable the town of Hartland to aid in bridging the Connecticut River;

H. 3. An act for the relief of School District No. 4, in Middlebury;

H. 52. An act to incorporate the Barre Railroad Company.

I am also directed to inform the Senate that the Governor has returned to the House of Representatives, without his approval, and with his objections thereto in writing, House bill entitled

H. 67. An act in amendment of section eighty-two of chapter fifteen of the General Statutes, relating to "jurisdiction of constables ;"

The House have reconsidered the bill and do not pass the same, notwithstanding the objections of the Executive.

A bill entitled

S. 14. An act to amend chapter one hundred and twelve of the General Statutes, entitled "Of offenses against the lives and persons of individuals ;"

Was taken up as a special order, considered, and the question being, Shall the bill be engrossed and read a third time ? it was decided in the negative.

Mr. Jones introduced a resolution, as follows:

Resolved, That the Committee on the Judiciary inquire into the necessity of a change in the law relating to the organization of private corporations and the law relating to the change of names and adoption of minors, and report by bill or otherwise ;

Which was read and adopted.

A message was received from His Excellency, the Governor, by Mr. Marsh, Secretary of Civil and Military Affairs, as follows :

MR. PRESIDENT: I am directed by the Governor to inform the Senate that he has this day approved and signed bills originating in the Senate, of the following titles, viz :

S. 16. An act relating to public easements ;

S. 47. An act in addition to an act establishing Rutland graded school, approved March 28, 1867 ;

S. 53. An act to pay Emory H. Clark the sum therein named ;

S. 56. An act relating to the Vermont Historical Society.

House bill entitled

H. 40. An act to annex a part of the town of Wilmington to the town of Dover,

Was taken up as a special order, and on motion of Mr. Heath, the bill, together with the remonstrance of R. S. Staples and seventy-one others, a majority of the legal voters of Dover, against the annexing of the North part of Wilmington to the town of Dover, and the remonstrance of Waldo Dunton and thirteen others, from annexing a part of Wilmington to Dover, were recommitted to the General Committee.

A bill entitled

S. 4. An act in amendment of an act passed November 2, 1833, incorporating Newbury Seminary,

Was taken up as the special order; the question being, Shall the vote whereby the Senate adopted the substitute bill reported by the Committee on the Judiciary be reconsidered? pending the question, on motion of Mr. Farnham, the Senate adjourned at twelve o'clock and twenty minutes.

AFTERNOON.

Mr. Green, from the Committee on Printing to whom was referred a bill entitled

S. 72. An act abolishing the solitary confinement of persons sentenced to death;

Reported, recommending the printing of three hundred and fifty copies of said bill; thereupon the bill was

Ordered to lie and be printed.

Engrossed bill entitled

S. 36. An act in relation to insurance agents;

Was taken up, considered, and passed.

Mr. Green, from the Committee on Claims to whom was referred a bill entitled

S. 38. An act to pay Peter Lander, Jr., the sum therein mentioned;

Reported, recommending that the blank in said bill be filled with the words "*one hundred and twenty*;"

Which was agreed to.

Second, That the blank before the word years be filled by inserting the word "*five*;"

Which was agreed to; thereupon the bill was

Ordered to be engrossed and read a third time.

Mr. Dale introduced a bill entitled

S. 73. An act to repeal an act authorizing the Benning-

ton and Rutland Railroad Company to extend their railroad to West Rutland, approved November 19, 1868 ;

Which was read the first and second time, and referred to the Committee on Railroads.

House bill entitled

H. 2. An act to commute the sentence of Horace R. Plumley,

Was taken up as a special order, and on motion of Mr. Royce, it was

Ordered to lie, and be made the special order at two and one half o'clock on Friday afternoon next.

The hour having arrived for a Joint Assembly, the Senate repaired to the Hall of the House of Representatives.

Having returned therefrom,

House bills of the following titles were severally read the first and second time, and referred, as follows:

H. 98. An act in amendment of section thirty-three of chapter eighty-four of the General Statutes, entitled "Of the collection of taxes ;"

To the Committee on the Grand List.

H. 102. An act to amend the charter of the Free Press Association ;

H. 115. An act changing the name of Eddie Dearborn, and constituting him heir-at-law of William and Jane L. Cheney ;

H. 42. An act in amendment of and in addition to chapter ninety-four of the General Statutes, entitled "Of the traffic in intoxicating drinks ;"

To the General Committee.

H. 111. An act in amendment of sections one, nineteen, forty-four, fifty-two, fifty-four, fifty-five, sixty-four, sixty-five, sixty-six and sixty-seven of chapter twenty-four of the General Statutes, entitled "Of laying out and discontinuing highways and bridges ;"

To the Committee on Highways and Bridges.

H. 131. An act to legalize the grand list of the town of Bakersfield for the years 1867, 1868 and 1869 ;

H. 153. An act to legalize the grand list of the town of Peru ;

To the Committee on the Judiciary.

A message was received from the House of Representatives by Mr. Newell, their first Assistant Clerk, as follows :

MR. PRESIDENT : I am directed to inform the Senate that the House have adopted on their part a joint resolution providing for the printing of one thousand copies of the address delivered before the Reunion Society of Vermont Officers, during the present session, by Gen. Wm. W. Grout ;

In the adoption of which the concurrence of the Senate is requested.

The House have considered joint resolution inviting Mr. A. E. Rankin to address the members of the Legislature ;

And have adopted the same in concurrence.

A bill entitled

S. 4. An act in amendment of an act passed November 2, 1833, incorporating Newbury Seminary,

Was taken up as unfinished business, and on motion of Mr. Pingry,

Ordered to lie.

House bills of the following titles were severally read the first and second time, and referred, as follows :

H. 42. An act in amendment of and in addition to chapter ninety-four of the General Statutes, entitled "Of the traffic in intoxicating drinks ;"

To the General Committee.

H. 84. An act to incorporate the Burlington Savings Bank and Trust Company ;

To the Committee on Banks.

The hour having arrived for a Joint Assembly, the Senate repaired to the Hall of the House of Representatives.

Having returned therefrom,

Mr. Elkins, from the Committee on bills, submitted the following report :

SENATE CHAMBER, November 8, 1869.

To the Honorable Senate now in Session :

The Committee on Bills respectfully report, that they have duly examined the following entitled bills and have this day presented the same to the Governor for his approval :

S. 16. An act relating to public easements ;

S. 47. An act in addition to an act establishing the Rutland Graded Schools, approved March 28, 1867 ;

S. 53. An act to pay Emory H. Clark the sum therein mentioned ;

S. 56. An act in relation to the Vermont Historical Society.

WM. G. ELKINS, for Committee.

A joint resolution from the House of Representatives :

Whereas, the oration of Gen. William W. Grout, delivered before the Reunion Society of Vermont Officers during the present session, would be, if preserved, a valuable acquisition to the history and literature of the State; therefore

Resolved by the Senate and House of Representatives, That the Clerk of the House and Secretary of the Senate be and they are hereby directed to procure the printing of one thousand copies thereof for the use of the General Assembly,

Was read and adopted in concurrence.

Mr. Camp, from a select Committee to whom was referred House bill entitled

H. 152. An act laying a tax on the county of Lamoille ;

Reported in favor of its passage ; thereupon the bill was read the third time, and passed in concurrence.

Mr. Dickerman, from the Joint Committee on the final adjournment of the General Assembly, reported, they had considered the subject, and that with proper diligence the business before the two Houses can be completed on the 17th instant, and recommended the adoption of a joint resolution, as follows :

Resolved by the Senate and House of Representatives, That the President of the Senate and Speaker of the House of Representatives adjourn their respective Houses, without day, on Wednesday, the 17th day of November instant, at eight o'clock in the forenoon ;

Which was read and adopted on the part of the Senate.

Mr. Elkins offered the following resolution, which was read and adopted :

Resolved, That after Thursday next no bill shall be introduced into the Senate without unanimous consent, except from Committees.

Engrossed bills entitled

S. 6. An act in amendment of an act to enable the towns in the counties of Washington, Caledonia and Orange, to aid in the construction of the "Montpelier and Wells River Railroad," approved October 30, 1868 :

S. 8. An act to incorporate the Northern Vermont and Lake Champlain Railroad Company ;

S. 22. An act to enable the proprietors and pew-owners of the Union Meeting House in Corinth to dispose of the same ;

S. 50. An act to incorporate the Alburgh, Plattsburgh and Highgate Steamboat Company ;

Were severally read a third time and passed.

On motion of Mr. Ladd, the Senate adjourned at three o'clock and forty-eight minutes.

THURSDAY, NOVEMBER 11, 1869.

Prayer by Rev. Peter Merritt, of Danville.

Journal of Wednesday was read and approved.

Mr. Merrill introduced a bill entitled

S. 78. An act to incorporate the Vermont State Trust Company ;

Which was read the first and second time, and referred to the Committee on Banks.

Mr. Dewey of Washington introduced a bill entitled

S. 79. An act to incorporate the Montpelier Trust Company ;

Which was read the first and second time, and referred to the Committee on Banks.

Mr. Dewey of Windsor introduced a bill entitled

S. 80. An act to provide for the appointment of a curator to take charge of the State Cabinet ;

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Pingry moved that the vote whereby the Senate refused to pass a bill entitled

S. 33. An act to protect fish in Tuttle Pond,

Be reconsidered ; which was decided in the affirmative—yeas 12, nays 11.

The yeas and nays having been demanded by Mr. Hall, they were taken, and are as follows:

Those Senators who voted in the affirmative are Messrs.

Dale,
Dewey of Washington,
Dickerman,
Goodell,

Green,
Halbert,
Hall,
Heath,

Hutchinson of Orange,
Ladd,
Merrill,
Orvis—12.

Those Senators who voted in the negative are Messrs.

Benedict,
Camp,
Collamer,
Copeland,

Dewey of Windsor,
Elkins,
Farnham,
Hastings,

Jones,
Pingry,
Saxe—11.

So the vote whereby the bill was refused its passage was reconsidered; the question being, Shall the bill pass? it was decided in the affirmative.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have passed House bill of the following title:

H. 157. An act relating to the assessment of State taxes;

In the passage of which the concurrence of the Senate is requested.

They have considered a Senate bill entitled

S. 49. An act regulating the attendance of teachers upon teachers' institutes;

And do not concur in the passage thereof.

They have also considered Senate bill entitled

S. 34. An act changing the name of and relating to the Northfield Cemetery Association;

And have passed the same in concurrence, with proposals of amendment;

In the adoption of which the concurrence of the Senate is requested.

The House have considered Senate proposal of amendment to House bill entitled

H. 57. An act to incorporate the Missisquoi and Clyde Rivers Railroad Company, and to enable the towns in the counties of Franklin, Orleans and Essex, to aid in the construction thereof;

And have adopted the same in concurrence.

On motion of Mr. Pingry a bill entitled

S. 4. An act in amendment of an act passed November 2, 1833, incorporating Newbury Seminary,

Was taken up, the question being, Will the Senate reconsider the vote whereby it adopted a substitute bill reported by the Committee on the Judiciary ?

Pending the question, on the motion of Mr. Halbert, the Senate adjourned at twelve o'clock and fifteen minutes.

AFTERNOON.

The President laid before the Senate the following communication from the Secretary of the Board of Education :

Montpelier, November 11, 9 o'clock, A. M.

To the Honorable President of the Senate of the State of Vermont :

I have this moment received notice of the resolution inviting me to address the Legislature on the subject of Education. I shall be engaged during the day, and it would be impossible for me to speak to the Legislature without more time for preparation than is thus allowed me. I go to-morrow to Johnson to attend the examination of the Normal School, and cannot be again in Montpelier before Wednesday of next week.

Respectfully,

A. E. RANKIN,
Secretary Board of Education.

Mr. Hutchinson of Orange, from the Committee on Land Taxes to whom was referred a bill entitled

S. 74. An act laying a tax on the towns of Averill and Norton ;

Reported the same, asking instructions of the Senate in reference to the sufficiency of the notice that application would be made for said tax. We have two newspapers in which a notice sufficient in form was published, and said newspapers contain evidence that it was published in another number of said paper, which publications were sufficient in point of time.

Pending the consideration of the Report, Mr. Dale offered the following resolution, which was read and adopted :

Resolved, That the Committee on Land Taxes, to whom was referred Senate bill No. 74, entitled "An act laying a tax on the towns of Norton and Averill," be instructed to

proceed with the consideration of said bill, and report upon the merits of the same;

Thereupon, the bill was recommitted to the Committee on Land Taxes under the instructions of the Senate.

A message was received from the House of Representatives, by Mr. Newell, their first Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the Governor has informed the House that he has approved and signed bills originating in the House of the following titles:

H. 27. An act to alter and amend an act to incorporate the Fairfax Railroad Company;

H. 90. An act to protect fish in Symms Ponds and the waters between the same in the town of Ryegate in Caledonia county;

H. 96. An act in addition to chapter thirty-eight of the General Statutes, in relation to new trials;

H. 109. An act to enable certain towns to aid in the construction of the Brattleboro and Bennington Railroad Company;

H. 79. An act in addition to section seventy-nine of chapter twenty-four of the General Statutes, entitled "Of laying out highways and bridges;"

H. 120. An act to enable the towns in the counties of Washington and Orange to aid in the construction of the Barre Railroad.

Mr. Hutchinson of Orange, introduced a bill entitled

S. 81. An act to change the name of the Winooski Marble Company;

Which was read the first and second time, and referred to the General Committee.

Mr. Wheeler introduced a bill entitled

S. 82. An act to extend the charter of the West River Railroad;

Which was read the first and second time, and referred to the Committee on Railroads.

House bill entitled

H. 17. An act to amend the charter of the Vermont Life Insurance Company,

Was taken up as a special order, and on motion of Mr. Pingry was recommitted to the Committee on the Judiciary.

On motion of Mr. Pingry a bill entitled

S. 37. An act in amendment of section fifteen of chapter one of the General Statutes, relating to the election of town representatives,

Was taken up; the question being, Shall the bill pass? it was decided in the negative—yeas 5, nays 16.

Mr. Dale having demanded the yeas and nays, they were taken, and are as follows:

Those Senators who voted in the affirmative are Messrs.

Farnham,
Green,

Halbert,
Hutchinson of Orange,

Pingry—5.

Those Senators who voted in the negative are Messrs.

Copeland,
Dale,
Dewey of Washington,
Dickerman,
Elkins,
Goodell,

Hall,
Hastings,
Heath,
Jones,
Ladd,

Merrill,
Nash,
Orvis,
Saxe,
Wheeler—16.

So the Senate refused the passage of the bill.

Engrossed bills of the following titles were severally read the third time and passed:

S. 59. An act in amendment of an act entitled "An act in amendment of chapter ninety-seven of the General Statutes, entitled 'Of public lands;'"

S. 54. An act laying a tax on the grand list of the towns of Ferdinand and Lewis;

S. 65. An act changing the day of the annual meeting of the Board of Education;

S. 66. An act to provide for the restoration of sea fish to the rivers of the State;

S. 70. An act to incorporate the International Telegraph Company;

S. 75. An act in amendment of section fifty-five of chapter twenty-four of the General Statutes, entitled "Of laying out and discontinuing highways and bridges."

Engrossed bill entitled

S. 76. An act to entitle school districts to send scholars to academies,

Was read the third time and passed.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have passed House bill of the following title:

H. 219. An act to amend an act entitled an act in

amendment of section two of chapter twenty-three of the General Statutes, entitled "Of instruction of the deaf, dumb and blind ;"

In the passage of which the concurrence of the Senate is requested.

And have considered Senate bills of the following titles :

S. 22. An act to enable the proprietors and pew owners of the Union Meeting House in Corinth to dispose of the same ;

S. 24. An act to amend chapter ninety-four of the General Statutes, entitled "Of traffic in intoxicating drinks ;"

S. 39. An act to provide for the employment of a reporter in county courts ;

S. 60. An act providing for taxing stock in trust companies or other moneyed corporations, organized, or which may be organized, under the laws of this State ;

And have passed the same in concurrence.

Mr. Camp, from the Committee on Printing to whom was referred a bill entitled

S. 80. An act to provide for the appointment of a curator to take charge of the State Cabinet ;

Reported recommending the printing of three hundred and fifty copies of said bill ; thereupon the bill was

Ordered to lie and be printed.

A bill entitled

S. 4. An act in amendment of an act passed November 2, 1833, incorporating Newbury Seminary,

Was taken up as unfinished business. The question being, Will the Senate reconsider the vote whereby the substitute bill reported by the Committee on the Judiciary was adopted ? it was decided in the affirmative—yeas 14, nays 10.

Mr. Dewey having demanded the yeas and nays, they were taken, and are as follows :

Those Senators who voted in the affirmative are Messrs.

Bendict,
Camp,
Copeland,
Dale,
Dickerman,

Elkins,
Farnham,
Goodell,
Green,
Hutchinson of Orange,

Jones,
Ladd,
Merrill,
Orvis—14.

Those Senators who voted in the negative are Messrs.

Collamer,
Dewey of Washington,
Halbert,
Hall,

Hastings,
Heath,
Nash,

Pingry,
Saxe,
Wheeler—10.

So the vote adopting the substitute bill was reconsidered. The question recurring, Will the Senate adopt the substitute bill reported by the Committee? it was decided in the negative.

Mr. Dale moved to amend the bill by adding the following as section 2:

The State shall not be liable to pay any damage, costs or charges that may accrue if the Supreme Court shall decide that this act is unconstitutional or a violation of the charter to which it refers;

Which was disagreed to.

The question being, Shall the bill be ordered to be engrossed and read the third time? it was decided in the negative; whereupon, Mr. Camp moved to reconsider the vote refusing the engrossment and third reading of said bill; which was disagreed to.

Mr. Jones moved to reconsider the vote refusing the third reading of engrossed bill entitled

S. 58. An act to protect fish in Silver Lake;

Which were agreed to; and on motion of Mr. Collamer the bill was

Ordered to lie.

Mr. Farnham, from the Committee on Education to whom was referred a bill entitled

S. 77. An act to incorporate the Beeman Academy in New Haven;

Reported recommending that the bill be amended in section five, line eleven, by striking out all of said section after the word "continue";

Which was agreed to; thereupon the bill was

Ordered to be engrossed and read the third time.

Mr. Copeland, from the Committee on Highways and Bridges to whom was referred a bill entitled

S. 68. An act to repeal sections sixty and sixty-two of chapter twenty-five of the General Statutes, entitled "Of repairs of highways and bridges;"

Reported against its passage; thereupon the engrossment and third reading of said bill was refused.

Mr. Pingry, from the Committee on the Judiciary to whom was referred House bill entitled

H. 131. An act to legalize the grand list of the town of Bakersfield for the years 1867, 1868 and 1869;

Reported in favor of its passage ; thereupon the bill was read a third time, and passed in concurrence.

Mr. Farnham introduced a bill entitled

S. 83. An act in addition to an act, approved November 19, 1868, relating to teachers' institutes ;

Which was read the first and second time, and referred to the Committee on Printing.

Mr. Hastings, from the Committee on Banks to whom was referred a bill entitled

S. 79. An act to incorporate the Montpelier Trust Company ;

Reported in favor of its passage ; thereupon the bill was *Ordered* to be engrossed and read a third time.

On motion of Mr. Heath, a bill entitled

S. 21. An act directing the Governor to appoint a committee to investigate the matter of changing the site of the State Prison ;

Was taken up ; and on motion of Mr. Pingry the bill was *Ordered* to lie.

Mr. Halbert, from the General Committee to whom was referred House bill entitled

H. 100. An act in addition to chapter ninety-three of the General Statutes, entitled an act of the observance of the Sabbath and disturbance of religious meetings ;

Reported that the Committee are of opinion that sufficient provision is made by section sixty-two of chapter fifteen of the General Statutes, for the appointment of special constables by the selectmen of the several towns whenever occasion requires ; thereupon the third reading of said bill was refused.

Mr. Halbert, from the General Committee to whom was referred House bill entitled

H. 115. An act changing the name of Eddie Dearborn and constituting him heir-at-law of William and Jane L. Cheney ;

Reported against its passage ; the question being, Shall the bill be read a third time ? it was decided in the affirmative, and the bill was passed in concurrence.

Mr. Halbert, from the General Committee to whom was referred House bill entitled

H. 89. An act to incorporate the Dominion Marble Company ;

Reported in favor of its passage ; thereupon the bill was read a third time, and passed in concurrence.

Mr. Merrill, from the General Committee to whom was referred a bill entitled

S. 81. An act to change the name of the Winooski Marble Company ;

Reported in favor of its passage ; thereupon the bill was *Ordered* to be engrossed and read a third time.

Mr. Green, from the Committee on Printing to whom was referred a bill entitled

S. 83. An act in addition to an act approved November 19, 1868, relating to teachers' institutes ;

Reported recommending the printing of three hundred and fifty copies ; thereupon the bill was *Ordered* to lie and be printed.

Engrossed bill entitled

S. 34. An act changing the name of and relating to the Northfield Cemetery Association ;

Was taken up, having been returned from the House with proposals of amendment, as follows :

First, in section one, by prefixing the following to section one, *that an act approved November 14, 1855, entitled an act to incorporate the Northfield Cemetery Association shall be amended as follows :*

Second. In section two, line twenty-four, by striking out all of said section after the word "misapplied," and inserting in lieu thereof, the following :

And shall also be liable to prosecution by information or indictment, and on conviction thereof shall be punished by a fine, not exceeding five hundred dollars or by a sentence to hard labor in the State prison for a term not exceeding two years, either or both in the discretion of the court.

Third. In section three, by adding thereto the following :

And in any action or prosecution against the trustees of said Corporation.

Fourth. Also add section four :

This act shall take effect from its passage ;

The several House proposals of amendment were concurred in.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows :

MR. PRESIDENT: I am directed to inform the Senate that the House have passed House bills of the following titles:

H. 108. An act changing the name of Hattie Ann Stebens and constituting her heir-at-law of Mark A. Amsden and Marriett H. Amsden;

H. 139. An act to incorporate the American Trust Company;

H. 158. An act in amendment of an act to incorporate the National Trust Company, approved November 19, 1868;

H. 64. An act to annex a part of the town of Ripton to the town of Lincoln;

In the passage of which the concurrence of the Senate is requested.

They have considered Senate bill entitled

S. 40. An act in addition to chapter eighty-three of the General Statutes, entitled "Of the grand list;"

And have passed the same in concurrence.

They have also considered joint resolution from the Senate relating to final adjournment, and have adopted the same in concurrence.

Mr. Camp, from the joint standing Committee on the Reform School, submitted the following report, which was read.

(For Report, see Appendix.)

House bills of the following titles were severally read the first and second time, and referred as follows:

H. 80. An act to incorporate the Lamoille Valley Junction Railroad Company;

H. 93. An act in amendment of an act entitled "an act to incorporate the Montpelier and Wells River Railroad Company," approved November 6, 1867;

To the Committee on Railroads.

H. 135. An act in alteration of section seventy of chapter thirty-one of the General Statutes, entitled "Justices of the peace;"

To the Committee on the Judiciary.

H. 157. An act relating to the assessment of State taxes;
To the Committee on Finance.

H. 160. An act to amend chapter seventeen of the General Statutes, relating to the registration of births, marriages and deaths;

To the Committee on Education.

A message was received from the House by Mr. Newell, their first Assistant Clerk, as follows :

MR. PRESIDENT : I am directed by the House to request the Senate to return to the House for their consideration, Senate bill entitled

S. 49. An act regulating the attendance of teachers upon teachers' institutes.

Engrossed bill entitled

S. 49. An act regulating the attendance of teachers upon teachers' institutes,

Was taken up, and the bill was

Ordered to be returned to the possession of the House agreeably to their request.

Mr. Elkins, from the Committee on bills, submitted the following report :

SENATE CHAMBER, November 11, 1869.

To the Honorable Senate now in session :

The Committee on Bills respectfully report that they have duly examined the following entitled bill, and have this day presented the same to his Excellency, the Governor, for his approval :

S. 2. An act defining who shall be voters in town meetings.

W. G. ELKINS, for Committee.

On motion of Mr. Hastings, the Senate adjourned at four o'clock.

FRIDAY, NOVEMBER 12, 1869.

Prayer by the Chaplain.

Journal of Thursday was read and approved.

Mr. Hall, by unanimous consent, introduced bills entitled

S. 84. An act in amendment of an act approved November 19, 1856, entitled "An act to incorporate the Lyndon Mill Company ;"

S. 85. An act in amendment of an act entitled "An act to authorize the removal of obstructions from the Passumpscic River ;

Which were severally read the first and second time, and referred to the General Committee.

The following entitled bills, having been printed, were taken up, and referred as follows :

S. 80. An act to provide for the appointment of a curator to take charge of the State Cabinet ;

To the General Committee.

S. 83. An act in addition to an act approved November 19, 1868, relating to teachers' institutes.

To the Committee on Education.

Mr. Royce, by unanimous consent, introduced a bill entitled

S. 86. An act providing for a view of premises in actions concerning real estate ;

Which was read the first and second time, and referred to the Committee on Printing.

A message from his Excellency, the Governor, by Mr. Marsh, Secretary of Civil and Military Affairs, as follows :

MR. PRESIDENT : I am directed by the Governor to inform the Senate that on the 11th day of November he approved and signed a bill originating in the Senate, of the following title, viz :

S. 2. An act defining who shall be voters in town meetings.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows :

MR. PRESIDENT : I am directed to inform the Senate that the House have considered Senate bills of the following titles :

S. 64. An act to amend an act entitled "An act to incorporate the village of Rutland, approved November 15, 1847," and in addition and amendment of an act in amendment thereof, approved November 9, 1865 ;

S. 10. An act creating degrees in the crime of murder ;
And have passed the same in concurrence.

The House have considered the Senate proposals of amendment to House bills entitled

H. 33. An act to incorporate the Grand Isle Steamboat Company ;

H. 156. An act in addition to an act to incorporate the village of Montpelier, approved November 14, 1855, and to extend its powers;

And have concurred therein.

Engrossed bills of the following titles were severally read a third time and passed :

S. 77. An act to incorporate the Beeman Academy in New Haven ;

S. 81. An act to change the name of the Winooski Marble Company.

Engrossed bill entitled

S. 79. An act to incorporate the Montpelier Trust Company,

Was read a third time ; Mr. Dewey of Washington moved to commit to a Senator to amend in section one, by striking out the words "*Montpelier Savings and Trust Company*," and insert in lieu thereof the words "*People's Savings and Trust Company* ;"

Which was agreed to.

The President designated Mr. Dewey of Washington as the Senator to whom the bill should be committed to amend.

Mr. Dewey of Washington reported back the bill amended agreeably to the instructions of the Senate ; thereupon the bill as amended was read a third time and passed ; thereupon the title of said bill was amended to read as follows :

"*An act to incorporate the People's Savings and Trust Company.*"

Mr. Dickerman, from the Committee on the Judiciary, reported a bill entitled

S. 87. An act to amend an act to amend the charter of the National Life Insurance Company of the United States, approved November 12, 1852 ;

Which was read the first and second time, and the question being, Shall the bill be engrossed and read a third time, on motion of Mr. Dewey of Washington, was

Ordered to lie.

On motion of Mr. Heath, a bill entitled

S. 21. An act directing the Governor to appoint a committee to investigate the matter of changing the site of the State Prison,

Was taken up ; the question being, Shall the bill be engrossed and read a third time ? it was decided in the negative—yeas 10, nays 15.

Mr. Nash having demanded the yeas and nays, they were taken, and are as follows :

Those Senators who voted in the affirmative are Messrs.

Camp,
Dewey of Washington,
Elkins,
Farnham,

Halbert,
Hastings,
Heath,

Hutchinson of Franklin,
Ladd,
Saxe—10.

Those Senators who voted in the negative are Messrs.

Collamer,
Copeland,
Dale,
Dickerman,
Goodell,

Green,
Hall,
Hutchinson of Orange,
Jones,
Merrill,

Nash,
Orvis,
Pingry,
Royce,
Wheeler—15.

So the engrossment and third reading of the bill was refused.

A message was received from the House of Representatives, by Mr. Peck, as follows :

MR. PRESIDENT: I am directed to inform the Senate that the Governor has informed the House that on the 11th day of November he approved and signed bills originating in the House, of the following titles, viz :

H. 111. An act in amendment of sections one, nineteen, forty-four, fifty-two, fifty-four, fifty-five, sixty-four, sixty-five, sixty-six and sixty-seven of chapter twenty-four of the General Statutes, entitled " Of laying out and discontinuing highways and bridges ;"

H. 81. An act to pay Franklin Butler the sum therein named ;

H. 142. An act to repeal an act approved November 1, 1867, entitled " An act to protect fish in Ticklenacked Pond ;"

H. 151. An act to pay Milton Clark the sum therein named ;

H. 163. An act changing the name of the Brandon Mineral Paint Company to the Leicester Mineral Paint Company ;

H. 23. An act to amend section one of chapter seventy-one of the General Statutes, relating to the rights of married women ;

H. 155. An act in amendment of an act passed November 26, A. D. 1853, incorporating the Springfield Wesleyan Seminary ;

H. 65. An act granting certain powers to Chester Academy and to school district No. 20 in Chester ;

H. 84. An act to incorporate the Burlington Savings Bank and Trust Company ;

H. 57. An act to incorporate the Missisquoi and Clyde Rivers Railroad Company, and to enable the towns in the counties of Franklin, Orleans and Essex, to aid in the construction thereof;

H. 152. An act laying a tax on the county of Lamoille.

On motion of Mr. Ladd, House bill entitled

H. 104. An act relating to ditches and water courses, Was taken up; Mr. Pingry, by unanimous consent, withdrew the proposal of amendment offered on Wednesday; Mr. Ladd moved to propose to the House to amend as follows:

First, To strike out the words "*fence viewers*" wherever they occur in the bill, and insert in lieu thereof the words "*selectmen*;"

Which was agreed to.

Second, To amend section four by adding thereto the words "*which notice shall be at least ten days before the time set for hearing*;"

Which was agreed to.

Third, By adding sections eight, nine, ten, eleven, and twelve, as follows:

SECTION 8. *If any owner of land through which a drain is to be constructed shall claim damages therefor, the selectmen shall hear the parties interested therein, and may award such damages to the owner of such land as they shall judge reasonable to be paid by the parties benefitted thereby, in such proportions as such selectmen shall deem just.*

SECTION 9. *Any person owning land through which a ditch or drain is to be laid may appeal from the decision or award of the selectmen to the next stated term of the county court within and for the county in which said land is situated, by entering into a recognizance with good and sufficient sureties before said board of selectmen in such sum as said selectmen shall require, conditioned that said appellants shall prosecute said appeal to effect and pay all intervening damages and costs in case said decision or award is affirmed. And upon said appeal being so entered in county court by the report of the decision or award of the selectmen, in writing, with the recognizance aforesaid, the county court may, in their discretion, upon hearing, accept or reject said report, or may appoint a commission, consisting of three disinterested freeholders of the vicinity, who shall make an examination of the premises, and after due hearing, upon notice to all parties interested, as aforesaid, make report thereof to the next stated term of said county court.*

SECTION 10. *The county court shall make all necessary orders, judgments and decrees, to carry out their decisions upon the report of said selectmen or commissioners, and tax cost as may seem right and proper.*

SECTION 11. *A certified copy of the report of the selectmen or commissioners finally accepted by the county court together with the orders, judgments and decrees in said court, shall be recorded in the town clerk's office where said lands are situated.*

SECTION 12. *All acts or parts of acts inconsistent with this act are hereby repealed.*

Thereupon the bill was passed in concurrence, with proposals of amendment.

Mr. Halbert, from the General Committee to whom was referred a bill entitled

S. 71. An act to repeal a part of section three of an act approved November 19, 1868, entitled "An act to amend an act to incorporate the city of Burlington, approved November 22, 1864 ;"

Reported adversely to its passage, and the question being, Shall the bill be engrossed and read the third time? it was decided in the negative—yeas 4, nays 18.

Mr. Ladd having demanded the yeas and nays, they were taken, and are as follows :

Those Senators who voted in the affirmative are Messrs.

Hutchinson of Franklin, Pingry,
Ladd,

Saxe—4.

Those Senators who voted in the negative are Messrs.

Benedict,
Camp,
Collamer,
Copeland,
Dale,
Dewey of Washington,

Dickerman,
Elkins,
Farnham,
Goodell,
Green,
Halbert,

Hall,
Heath,
Merrill,
Orvis,
Royce,
Wheeler—18.

So the engrossment and third reading of said bill was refused.

On motion of Mr. Elkins, the Senate adjourned at twelve o'clock and fifteen minutes.

AFTERNOON.

Mr. Camp, from the Committee on Printing to whom was referred a bill entitled

S. 86. An act providing for a view of premises in actions concerning real estate ;

Reported, recommending the printing of three hundred and fifty copies of said bill, thereupon the bill was

Ordered to lie and be printed.

On motion of Mr. Dewey of Washington, a bill entitled

S. 87. An act to amend an act to amend the charter of the National Life Insurance Company of the United States, approved November 2, 1852 ;

Was taken up, and recommitted to the Committee on the Judiciary.

Mr. Heath, from the Committee on the Judiciary to whom was referred a bill entitled

S. 11. An act relating to pleadings and proceedings in certain criminal cases ;

Reported, recommending that the bill be amended as follows :

First, In section one, line four, by striking out the words "*the omission of the words, as appears of record, or of the words with force and arms, nor for the insertion of the words against the form of the statute, instead of the words against the form of the statute, or vice versa, nor for the omission of such words, nor for ;*"

Which was agreed to.

Second, In section four, line thirty-four, by striking out the word "*both,*" and also in lines thirty-seven and thirty-eight, by striking out the words "*and in every other part which it may become necessary to amend ;*"

Which was agreed to.

Third, By striking out section eleven.

Fourth, By striking out sections fourteen, fifteen and seventeen.

Fifth, In section twenty, lines one and two, by striking out the words "*punishable in the county court ;*" also in the

last line of said section, by striking out the words "*and punished;*"

Which was agreed to ; thereupon the bill as amended was *Ordered* to be engrossed and read the third time to-morrow afternoon.

Mr. Farnham, by unanimous consent, introduced a bill entitled

S. 88. An act to amend the charter of the West Fairlee Railroad Company ;

Which was read the first and second time, and referred to the Committee on Railroads.

Mr. Merrill, from the General Committee to whom was referred bills entitled

S. 84. An act in amendment of an act approved November 19, 1856, entitled "An act to incorporate the Lyndon Mill Company ;"

S. 85. An act in amendment of an act entitled "An act to authorize the removal of obstructions from the Passumpsic River ;"

Reported in favor of their passage ; thereupon they were severally

Ordered to be engrossed and read a third time.

Mr. Merrill, from the General Committee to whom was recommitted House bill entitled

H. 40. An act to annex a part of the town of Wilmington to the town of Dover ;

Reported the bill, with a statement of facts, as follows :

It appeared in testimony before them, that the subject of the annexation of that part of Wilmington called the "Handle," to the west part of Dover, has been matter of discussion between the inhabitants of Wilmington and Dover for many years ; that in the spring of 1869 a special town meeting was called in the village of East Dover, to consider this matter, at which fifty-two votes were cast against, and one for, annexation, the peculiarity of which vote was attributable to a storm on that day, no one being present from West Dover.

This vote was not considered decisive by either party, and after discussion continued through the summer, it was agreed as appeared by a sort of general consent, and it was distinctly understood, as testified to by both the representatives of both these towns, that the election in September last should be upon this issue.

It appeared before your Committee, that Dover, at that election, cast ninety-three votes, of which number the present member had fifty-two, (who was before us favoring annexation,) thus showing eleven majority, as the expressed wish of Dover.

Wilmington, it appeared, had about three hundred and seventy-three voters at the last election, and elected her representative on the same issue. There was no testimony before the Committee to show any opposition on the part of Wilmington to the annexation of the territory in question, to Dover.

There was presented by the member from Marlboro, a remonstrance signed by citizens of Dover, with seventy-two names, four of whom, it was conceded, were not tax-payers or voters, and one other remonstrance of citizens of Dover, with fourteen names, seven of whom it was also conceded were neither tax-payers or voters, and all of which last names, it was acknowledged, were written by one and the same person.

In the town of Dover, it appeared the whole number of voters was one hundred and fifty-two in September last, seventy-five of these are remonstrants, which, granting all the signatures genuine, gives a majority in favor of annexation, as is also proved in the election of the present member.

It further appeared that the above remonstrants only had about one third of the grand list of the town of Dover.

It further appeared that of the inhabitants of that part of Wilmington living on the "Handle," all but three are obliged to go through Dover to get to Wilmington, and are all in favor of being set off.

With the testimony and papers before us, your Committee are forced to reiterate that in every essential particular, the question of annexation has been practically passed upon by both towns, and respectfully report that in their judgment the bill should pass.

Mr. Heath, by unanimous consent, withdrew his amendment offered on the fifth of November; Mr. Heath moved to propose to the House to amend by adding the following proviso to section one: "*And provided that this act shall not take effect unless the present towns of Wilmington and Dover shall accept of the provision of this act, by a vote of town meetings warned and holden prior to the last day of March next. But if either of the said towns shall fail to hold such*

meeting on or before the last day of March aforesaid, then such town shall be considered as acquiescing in the provisions of this act ;”

Pending the question on the adoption of this amendment, on motion of Mr. Merrill, the bill was

Ordered to lie, and be made the special order at ten and one half o'clock to-morrow morning.

Mr. Farnham, from the Committee on Education to whom was referred a bill entitled

S. 26. An act to amend the act incorporating Newbury Seminary ;

Reported, recommending that the bill be amended by striking out section one, and substituting the following therefor :

SECTION 2. *Joseph Atkinson or Henry Keyes, named in the first section of this act, are either of them authorized to call a meeting of the Board of Trustees at such time and place, within sixty days of the passage of this act, in said town of Newbury, as they or either of them may designate, on written notice to such of said trustees. Such notice to be mailed at least twelve days before said meeting. And at said meeting, or at any regular meeting of said Board of Trustees, are authorized by vote duly passed and recorded to reduce the number of said trustees to thirteen, and such trustees so designated shall thereafter constitute the Board of Trustees and body corporate under said act.*

Pending the question of the adoption of the amendment, on motion of Mr. Heath, it was

Ordered to lie.

Mr. Farnham, from the Committee on Military Affairs to whom was referred a bill entitled

S. 31. An act in amendment of an act entitled “ An act for organizing the militia ;”

Reported that the bill be amended by adding the following proviso to section one :

Provided, that no regiment shall be called out under the provision of this act, unless such regiment shall comprise at least five organized companies ; provided further, that an organized section of artillery shall be counted as a company ;

Thereupon the bill was

Ordered to be engrossed and read a third time to-morrow morning.

Mr. Pingry, from the Committee on the Judiciary to whom was referred a bill entitled

S. 32. An act in amendment of chapter eighty-three of the General Statutes, entitled "Of the grand list ;"

Reported, recommending that the bill be amended

First, In section five, line six, by inserting after the sixth line the words "*or within six days after such application ;*"

Which was agreed to.

Second, In section seven, by adding thereto the words "*and no person's list shall be raised by said selectmen without personal notice first being given to said person by one or more of said selectmen, or by written notice left at the place of his usual abode, a reasonable time before the hearing in his case ;*"

Which was agreed to ; thereupon the bill was

Ordered to lie.

On motion of Mr. Dickerman, the Secretary was directed to procure the printing, as amended, of three hundred and fifty copies of said bill.

A message was received from the House of Representatives, by Mr. Peck, as follows :

MR. PRESIDENT : I am directed to inform the Senate that the House have reconsidered their vote refusing the passage in concurrence of Senate bill entitled

S. 49. An act regulating the attendance of teachers upon teachers' institutes ;

And have passed the same in concurrence.

House bill entitled

H. 2. An act to commute the sentence of Horace R. Plumley,

Was taken up as a special order ; the question being, Shall the bill be read a third time ? it was decided in the affirmative—yeas 20, nays 4.

Mr. Heath having demanded the yeas and nays, they were taken, and are as follows :

Those Senators who voted in the affirmative are Messrs.

Benedict,
Ollamer,
Copeland,
Dale,
Dewey of Washington,
Elkins,
Farnham,

Green,
Halbert,
Hall,
Hastings,
Hutchinson of Franklin,
Hutchinson of Orange,
Ladd,

Merrill,
Orvis,
Pingry,
Boyce,
Saxe,
Wheeler—20.

Those Senators who voted in the negative are Messrs.

Camp,
Dickerman,

Goodell,

Heath—4

Thereupon the bill was read a third time and passed in concurrence.

Mr. Orvis, by unanimous consent, introduced a bill entitled

S. 89. An act to amend section seven of chapter eighty of the General Statutes, relating to notice of protest of negotiable instruments ;

Which was read the first and second time, and referred to the Committee on the Judiciary.

Mr. Hastings, from the Committee on Banks to whom was referred a bill entitled

S. 78. An act to incorporate the Vermont State Trust Company ;

Reported recommending that the bill be amended in section fifteen, line fourteen, by striking out the words " exclusive of buildings," which was agreed to ; whereupon the bill as amended was

Ordered to be engrossed, and read a third time.

Mr. Wheeler, for a majority of the Committee on the Judiciary to whom was referred a bill entitled

S. 69. An act relating to the descent and distribution of intestate estates ;

Reported recommending that the bill be amended by striking out the first section ; thereupon, the bill as amended was

Ordered to be engrossed, and read a third time to-morrow afternoon.

Mr. Pingry, from the Committee on the Judiciary to whom was referred House bill entitled

H. 78. An act to amend an act entitled " An act relating to flowage ;"

Reported recommending that the Senate propose to the House to amend by adding to section four, as follows :

" And no action for damages shall be sustained by the petitionee against the petitioner for such damages during the pendency of such petition ; but the court before which such petition is pending, or any judge thereof, may order such security for damages to be given by the petitioner to the petitionee as such court or judge shall deem expedient ;"

Which was agreed to, and the bill as amended was read the third time and passed in concurrence, with proposals of amendment.

President *pro tempore* in the chair.

Mr. Royce, from the Committee on Railroads to whom was referred House bill entitled

H. 80. An act to incorporate the Lamoille Valley Junction Railroad Company ;

Reported in favor of its passage ; thereupon the bill was read a third time, and passed in concurrence.

Mr. Elkins, from the Committee on Bills submitted the following report :

SENATE CHAMBER, November 12, 1869.

To the Honorable Senate now in session :

The Committee on Bills respectfully report that they have duly examined the following bills, and have this day presented the same to the Governor for his approval :

S. 24. An act to amend chapter ninety-four of the General Statutes, entitled "Of the traffic in intoxicating drinks ;"

S. 60. An act providing for taxing stock in trust companies or other moneyed corporations organized, or which may be organized, under the laws of this State ;

S. 39. An act to provide for the employment of a reporter in county courts ;

S. 22. An act to enable the proprietors and pew owners in the Union Meeting House in Corinth to dispose of the same ;

S. 10. An act creating degrees in the crime of murder ;

S. 64. An act to amend an act entitled "An act to incorporate the village of Rutland, approved November 15, 1847," and in addition and amendment of an act in amendment thereof, approved November 9, 1865 ;

S. 40. An act in addition to chapter eighty-three of the General Statutes, entitled "Of the grand list ;"

S. 49. An act regulating the attendance of teachers upon teachers' institutes.

WM. G. ELKINS, for Committee.

Mr. Hutchinson of Franklin, from the Committee on Education to whom was referred House bill entitled

H. 160. An act to amend chapter seventeen of the General Statutes, relating to the registration of births, marriages and deaths ;

Reported in favor of its passage ; thereupon the bill was read a third time.

Mr. Saxe moved that the bill be ordered to lie ; on this question no quorum voting, Mr. Halbert moved a call of the Senate, which was agreed to.

Pending the order of the President *pro tempore* to call the roll, on motion of Mr. Orvis, the Senate adjourned at four o'clock and forty minutes.

SATURDAY, NOVEMBER 13, 1869.

Prayer by Rev. J. E. Wright, of Montpelier.

Journal of Friday was read and approved.

A message was received from the House of Representatives, by Mr. Peck, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the Governor has informed the House that he has approved and signed bills originating in the House, of the following titles, viz.:

H. 33. An act to incorporate the Grand Isle Steamboat Company;

H. 102. An act to amend the charter of the Free Press Association;

H. 131. An act to legalize the grand list of the town of Bakersfield for the years 1867, 1868 and 1869;

H. 156. An act in addition to an act to incorporate the village of Montpelier, approved November 14, 1855, and to extend its powers.

The House have considered Senate bills of the following titles:

S. 8. An act to incorporate the Northern Vermont and Lake Champlain Railroad Company;

S. 6. An act in amendment of "An act to enable the towns in the counties of Washington, Caledonia and Orange to aid in the construction of the Montpelier and Wells River Railroad," approved October 30, 1868;

And have passed the same in concurrence.

They have also considered Senate bill entitled

S. 36. An act in relation to insurance agents;

And have passed the same in concurrence, with a proposal of amendment;

In the adoption of which the concurrence of the Senate is requested.

The House have passed a bill entitled

H. 212. An act to incorporate the Montpelier Savings and Trust Company;

In the passage of which the concurrence of the Senate is requested.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have passed House bills of the following titles:

H. 164. An act relating to railroads;

H. 48. An act to amend the charter of the Burlington Manufacturing Company;

H. 210. An act granting a ferry to John Quincy Adams;

H. 141. An act to protect fish in Hovey's Pond;

H. 215. An act altering the name of Emery Jones Smith to Emery Jones Parsons;

H. 220. An act relating to the Cemetery in Wells River Village;

H. 216. An act to change the name of Marion W. Washburn;

H. 244. An act making provisions for the support of Government;

In the passage of which the concurrence of the Senate is requested.

On motion of Mr. Halbert, a bill entitled

S. 32. An act in amendment of chapter eighty-three of the General Statutes, entitled "Of the grand list,"

Was taken up; Mr. Halbert moved to amend in section eight by inserting after the words "*General Statutes*" the words "*and No. 14 of the Acts of 1866;*"

Which was agreed to.

Mr. Dale moved to amend in section seven, line two, by striking out the words "*any list,*" and inserting in lieu thereof the words "*his own list or that of any other person;*"

Which was agreed to.

The question being, Shall the bill be engrossed and read a third time? it was decided in the negative—yeas 8, nays 16.

Mr. Halbert having demanded the yeas and nays, they were taken and are as follows:

Those Senators who voted in the affirmative are Messrs.

Benedict,
Goodell,
Green,

Halbert,
Hastings,
Heath,

Pingry,
Wheeler—8.

Those Senators who voted in the negative are Messrs.

Collamer,
Copeland,
Dewey of Washington,
Dickerman,
Elkins,
Farnham,

Hall,
Hutchinson of Franklin,
Hutchinson of Orange,
Jones,
Ladd,

Merrill,
Nash,
Orvis,
Royer,
Saxe—16.

So the engrossment and third reading of said bill was refused.

Mr. Hastings, by unanimous consent, introduced a bill entitled

S. 90. An act to incorporate the Waterbury Trust Company;

Which was read a first and second time, and referred to the Committee on Banks.

Mr. Merrill, by unanimous consent, introduced a bill entitled

S. 91. An act to incorporate the Vermont Horse Stock Company;

Which was read the first and second time, and referred to the Committee on Agriculture.

House bills of the following titles were severally read the first and second time and referred, as follows:

H. 64. An act to annex a part of the town of Ripton to the town of Lincoln;

H. 108. An act changing the name of Hattie Ann Stebins and constituting her heir-at-law of Mark A. and Mariett A. Amsden;

To the General Committee.

H. 158. An act in amendment of an act to incorporate the National Trust Company, approved November 19, 1868;

H. 212. An act to incorporate the Montpelier Savings and Trust Company;

To the Committee on Banks.

H. 219. An act to amend an act entitled "An act in amendment of section two of chapter twenty-three of the General Statutes, entitled "Of instruction of the deaf, dumb and blind;"

To the Committee on Education.

A bill entitled

S. 86. An act providing for a view of premises in actions concerning real estate;

Having been printed, was taken up, and referred to the Committee on the Judiciary.

House bill entitled

H. 40. An act to annex a part of the town of Wilmington to the town of Dover,

Was taken up as a special order; the question being on

the proposal of amendment offered by Mr. Heath, pending its consideration, on motion of Mr. Collamer, the Senate adjourned at twelve o'clock and fifteen minutes.

AFTERNOON.

A message from his Excellency, the Governor, by Mr. Marsh, Secretary of Civil and Military Affairs, as follows:

MR. PRESIDENT: I am directed by the Governor to inform the Senate that he has this day approved and signed bills originating in the Senate, of the following titles, viz.:

S. 60. An act providing for taxing stock in trust companies or other moneyed corporations, organized, or which may be organized, under the laws of this State;

S. 64. An act to amend an act entitled "An act to incorporate the village of Rutland, approved November 15, 1847," and in addition and amendment of an act in amendment thereof, approved November 9, 1865;

S. 89. An act to provide for the employment of a reporter in county courts;

S. 22. An act to enable the proprietors and pew owners of the Union Meeting House in Corinth to dispose of the same;

S. 49. An act regulating the attendance of teachers upon teachers' institutes;

S. 10. An act creating degrees in the crime of murder;

S. 24. An act to amend chapter ninety-four of the General Statutes, entitled "Of traffic in intoxicating drinks."

House bills of the following titles were severally read the first and second time, and referred, as follows:

H. 139. An act to incorporate the American Trust Company;

To the Committee on Banks.

H. 141. An act to protect fish in Hovey's Pond;

H. 215. An act altering the name of Emery Jones Smith to Emery Jones Parsons;

H. 216. An act to change the name of Marion W. Washburn;

H. 220. An act relating to the cemetery in Wells River village ;

To the General Committee.

H. 244. An act making provisions for the support of Government ;

To the Committee on Finance.

H. 164. An act in relation to railroads ;

To the Committee on Railroads.

A message was received from the House of Representatives by Mr. Newell, their first Assistant Clerk, as follows :

MR. PRESIDENT: I am directed to inform the Senate that the House have passed House bills of the following titles:

H. 166. An act to incorporate the Case and Thomas Manufacturing Company ;

H. 82. An act in amendment to section one of an act to incorporate the Barre Hotel Company, approved November 12, 1859 ;

H. 154. An act to incorporate the Manchester and Jamaica Railroad Company ;

H. 181. An act in amendment of section eighty-one of chapter fifteen of the General Statutes, relating to jurisdiction of constables ;

H. 214. An act changing the name of Michael McTague to Myron Montague ;

H. 170. An act relating to Library Associations ;

H. 106. An act to incorporate the Battenkill and Pawlet Rivers Railroad Company ;

H. 238. An act providing for the location and erection of county buildings in the county of Bennington, and laying a tax therefor ;

H. 239. An act laying a tax on the county of Rutland for the purpose of completing and furnishing the new court house in said county, and paying the indebtedness of the county ;

H. 197. An act to incorporate the Caledonia County Trust Company ;

H. 185. An act in amendment of section thirty of chapter eighty-three of the General Statutes, relating to the grand list ;

H. 146. An act to incorporate the Brattleboro Phoenix Company ;

H. 122. An act laying a tax on lands in the town of Stratton ;

In the passage of which the concurrence of the Senate is requested.

Mr. Dale introduced a joint resolution, which was read and adopted on the part of the Senate, as follows:

Resolved by the Senate and House of Representatives,
That the sweepers in the employ of the Sergeant-at-Arms receive for their services the present session the same pay as the various messengers about the House now receive by law.

House bills of the following titles were severally read the first and second time, and referred, as follows:

H. 48. An act to amend the charter of the Burlington Manufacturing Company;

To the Committee on Manufactures.

H. 210. An act granting a ferry to John Quincy Adams;
To the Committee on Highways and Bridges.

President *pro tempore* in the chair.

Engrossed bill entitled

S. 11. An act relating to pleadings and proceedings in certain criminal cases,

Was read the third time. The question being, Shall the bill pass? on motion of Mr. Collamer, it was

Ordered to lie.

Engrossed bills entitled

S. 31. An act in amendment of an act entitled "An act for organizing the militia;"

S. 78. An act to incorporate the Vermont State Trust Company;

S. 83. An act in addition to an act approved November 19, 1868, relating to teachers' institutes;

S. 84. An act in amendment of an act approved November 19, 1856, entitled "An act to incorporate the Lyndon Mill Company,"

S. 85. An act in amendment of an act entitled "An act to authorize the removal of obstructions from the Passumpsic River;

Were severally read the third time and passed.

Engrossed bill entitled

S. 69. An act relating to the descent and distribution of intestate estates,

Was read the third time; the question being, Shall the bill pass? it was decided in the affirmative—yeas 17, nays 4.

Mr. Jones having demanded the yeas and nays, they were taken, and are as follows :

Those Senators who voted in the affirmative are Messrs.

Benedict,	Farnham,	Ladd,
Copeland,	Goodell,	Orvis,
Dale,	Green,	Royce,
Dewey of Washington,	Halbert,	Saxe,
Dickerman,	Heath,	Wheeler—17.
Elkins,	Hutchinson of Orange,	

Those Senators who voted in the negative are Messrs.

Collamer,	Nash,	Pingry—4.
Jones,		

Thereupon the bill passed.

On motion of Mr. Collamer, engrossed bill entitled

S. 11. An act relating to pleadings and proceedings in certain criminal cases,

Was taken up ; Mr. Collamer moved that the bill be committed to a Senator to amend by striking out section eighteen ;

Which was agreed to ; thereupon the bill passed.

On motion of Mr. Jones, the vote refusing the engrossment and reading of a bill entitled

S. 32. An act in amendment of chapter eighty-three of the General Statutes, entitled " Of the grand list,"

Was reconsidered.

On motion of Mr. Dickerman, the bill was

Ordered to lie.

Mr. Farnham, from the Committee on Education to whom was referred a House bill entitled

H. 49. An act relating to Phillips Academy and school district No. 26 in the town of Danville ;

Reported in favor of its passage ; thereupon the bill was read the third time and passed in concurrence.

Mr. Heath, from the Committee on the Judiciary to whom was referred a House bill entitled

H. 135. An act in alteration of section seventy of chapter thirty-one of the General Statutes, entitled " Justices of the peace ;"

Reported adversely to its passage ; thereupon the third reading of said bill was refused.

Mr. Merrill, from the General Committee to whom was referred a House bill entitled

H. 42. An act in amendment of and in addition to

chapter ninety-four of the General Statutes, entitled "Of the traffic in intoxicating drinks ;"

Reported in favor of its passage ; thereupon the bill was read the third time, and the question being, Shall the bill pass in concurrence ? on motion of Mr. Orvis, it was

Ordered to lie, and be made the special order for three o'clock on Monday next.

Mr. Nash, from the Committee on Banks to whom was referred a House bill entitled

H. 158. An act in amendment of an act to incorporate the National Trust Company, approved November 19, 1868 ;

Reported in favor of its passage ; thereupon the bill was read the third time and passed in concurrence.

Mr. Ladd, from the Committee on Finance to whom was referred a House bill entitled

H. 157. An act relating to the assessment of State taxes ;

Reported in favor of its passage ; thereupon the bill was read the third time and passed in concurrence.

Mr. Hutchinson of Orange, from the Committee on Land Taxes to whom was referred a House bill entitled

H. 98. An act in amendment of section thirty-three of chapter eighty-four of the General Statutes, entitled "Of the collection of taxes ;"

Reported in favor of its passage ; thereupon the bill was read the third time and passed in concurrence.

Engrossed bill entitled

S. 36. An act in relation to insurance agents,

Was taken up, having been returned from the House of Representatives with a proposal of amendment, as follows :

By inserting in section one, line fourteen, after the word "*person*" the words "*not an actual resident of this State ;*"

Which was concurred in by the Senate.

Mr. Dickerman, from the Committee on Railroads to whom was referred a bill entitled

S. 45. An act in amendment of an act to enable the towns therein named to aid in the construction of the Montpelier and St. Johnsbury and Essex County Railroad, approved March 28, 1867 ;

Reported adversely to its passage ; thereupon the third reading of said bill was refused.

Mr. Hastings, from the Committee on Banks to whom was referred a bill entitled

S. 46. An act to incorporate the Union Trust Company ;
Reported, recommending the adoption of a substitute bill
as follows :

(For Substitute Bill see Appendix.)

Which was agreed to ; thereupon a bill entitled

S. 92. An act to incorporate the Union Trust Company,
Was read the first and second time, and
Ordered to be engrossed and read a third time.

A message was received from his Excellency, the Governor, by Mr. Marsh, Secretary of Civil and Military Affairs, as follows :

MR. PRESIDENT : I am directed by the Governor to inform the Senate that he has this day approved and signed bills originating in the Senate, of the following titles, viz :

S. 34. An act changing the name of and relating to the Northfield Cemetery Association ;

S. 6. An act in amendment of an act to enable the towns in the counties of Washington, Caledonia and Orange to aid in the construction of the Montpelier and Wells River Railroad, approved October 30, 1868 ;

S. 8. An act to incorporate the Northern Vermont and Lake Champlain Railroad Company.

Mr. Nash, from the Committee on Banks to whom was referred a bill entitled

S. 90. An act to incorporate the Waterbury National Trust Company ;

Reported in favor of its passage ; thereupon the bill was
Ordered to be engrossed and read the third time.

President in the chair.

House Bills of the following titles were severally read the first and second time, and referred, as follows :

H. 146. An act to incorporate the Brattleboro Phoenix Company ;

H. 82. An act in amendment of section one of an act to incorporate the Barre Hotel Company, approved November 12, 1859 ;

H. 166. An act to incorporate the Case and Thomas Manufacturing Company ;

H. 170. An act relating to Library Associations :

H. 238. An act providing for the location and erection of county buildings in the county of Bennington, and laying a tax therefor ;

To the General Committee.

H. 181. An act in amendment of section eighty-one of chapter fifteen of the General Statutes, relating to jurisdiction of constables ;

H. 185. An act in amendment of section thirty of chapter eighty-three of the General Statutes, relating to the grand list ;

To the Committee on the Judiciary.

H. 106. An act to incorporate the Battenkill and Pawlet Rivers Railroad Company ;

H. 154. An act to incorporate the Manchester and Jamaica Railroad Company ;

To the Committee on Railroads.

H. 214. An act changing the name of Michael McTague to Myron Montague ;

To the General Committee.

H. 122. An act laying a tax on the town of Stratton ;

To the Committee on Land Taxes.

H. 197. An act to incorporate the Caledonia County Trust Company ;

To the Committee on Banks.

H. 239. An act laying a tax on the county of Rutland for the purpose of completing and furnishing the new court house in said county, and paying the indebtedness of the county ;

To a select Committee consisting of the Senators from the county of Rutland.

On motion of Mr. Dewey of Washington, the Senate adjourned at four o'clock and five minutes.

MONDAY, NOVEMBER 15, 1869.

Prayer by the Rev. William Fitz, of Montpelier.

Journal of Saturday was read and approved.

A message was received from the House of Representatives, by Mr. Peck :

MR. PRESIDENT: I am directed to inform the Senate that the House have considered Senate bills of the following titles:

S. 38. An act to pay Peter Lander, Jr., the sum therein named;

S. 54. An act laying a tax on the grand list of the towns of Ferdinand and Lewis;

S. 59. An act in amendment of an act entitled an act in amendment of chapter ninety-seven of the General Statutes, entitled "Of public lands;"

S. 63. An act to incorporate Plainfield Building Company;

S. 70. An act to incorporate the International Telegraph Company;

S. 75. An act in amendment of section fifty of chapter twenty-four of the General Statutes, entitled "Of laying out and discontinuing highways and bridges;"

S. 77. An act to incorporate the Beeman Academy in New Haven;

S. 81. An act to change the name of the Winooski Marble Company;

And have passed the same in concurrence.

They have also considered Senate bills entitled

S. 65. An act changing the day of the annual meeting of the Board of Education;

S. 76. An act to entitle school districts to send scholars to academies;

And have passed the same in concurrence, with proposals of amendment;

In the adoption of which the concurrence of the Senate is requested.

The House have considered Senate proposals of amendment to House bills entitled

H. 78. An act to amend an act entitled "An act relating to flowage;"

H. 104. An act relating to ditches and water courses;
And have concurred therein.

The Governor has informed the House that he has approved and signed a bill originating in the House, of the following title:

H. 89. An act to incorporate the Dominion Marble Company.

On motion of Mr. Heath, a bill entitled

S. 32. An act in amendment of chapter eighty-three of the General Statutes, entitled "Of the grand list,"

Was taken up; Mr. Halbert moved to amend the bill by striking out sections three, four, five, six, seven, eight, ten, eleven, and that section nine be numbered section four;

Which was agreed to; thereupon the bill was

Ordered to be engrossed and read a third time.

On motion of Mr. Dewey of Washington, House bill entitled

H. 160. An act to amend chapter seventeen of the General Statutes, relating to the registration of births, marriages and deaths,

Was taken up as unfinished business, and passed in concurrence.

Mr. Royce, from the Committee on Railroads, to whom was referred a House bill entitled

H. 164. An act in relation to railroads;

Reported in favor of its passage; thereupon the bill was read a third time and passed in concurrence.

On motion of Mr. Heath, engrossed bill entitled

S. 58. An act to protect fish in Silver Lake,

Was taken up; Mr. Collamer moved that the bill be committed to a Senator to amend by adding section two, as follows:

SECTION 2. And it is hereby further enacted that any person taking fish in any waters not boatable shall be liable to the same penalties and punishments as is provided for in this act, provided, no part of this act shall apply to restrain the rights of any persons to take fish in waters situated on his own land, or any person so doing by his own consent;

Which was agreed to; the President designated Mr. Collamer as the Senator to whom the bill should be committed to amend agreeably to the instructions of the Senate.

Mr. Farnham, from the Committee on Education to whom was referred a bill entitled

S. 28. An act to incorporate the Island Pond Academy;

Reported, recommending that the bill be amended by striking out section four;

Which was agreed to; thereupon the bill was

Ordered to be engrossed and read the third time.

Mr. Dewey, from the Committee on Finance to whom was referred House bill entitled

H. 244. An act making provisions for the support of Government;

Reported in favor of its passage; thereupon the bill was read a third time, and passed in concurrence.

A message was received from the House of Representatives, by Mr. Newell, their first Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have passed House bills of the following titles:

H. 231. An act to legalize the grand list of the town of Victory for the years 1868 and 1869;

H. 249. An act in amendment of an act to incorporate the Dominion Marble Company;

H. 228. An act to incorporate the village of Benson;

H. 130. An act laying a tax on the lands in Avery's and Buel's Gores, in the county of Chittenden;

H. 145. An act to incorporate the Vergennes Navigation Company;

H. 227. An act to amend section five of an act entitled "An act authorizing towns to establish central schools;"

H. 74. An act in amendment of an act entitled "An act establishing a corporation by the name of the Champlain Transportation Company;"

H. 240. An act to pay Charles S. Hoyle the sum therein mentioned;

H. 243. An act to constitute Eddie Marshall Smith of Wolcott, heir-at-law of Philander and Mary Smith;

H. 148. An act incorporating the town of Stannard;

H. 234. An act to legalize the grand list of the town of Guilford;

In the passage of which the concurrence of the Senate is requested.

Mr. Halbert, from the General Committee to whom was referred House bills entitled

H. 64. An act to annex a part of the town of Ripton to the town of Lincoln;

H. 220. An act relating to the cemetery in Wells River village;

Reported in favor of their passage; thereupon they were severally read a third time, and passed in concurrence.

Mr. Dickerman, from the Committee on Railroads to whom was referred House bills entitled

H. 154. An act to incorporate the Manchester and Jamaica Railroad Company;

H. 106. An act to incorporate the Battenkill and Pawlet Rivers Railroad Company;

Reported in favor of their passage; thereupon they were severally read a third time and passed in concurrence.

Mr. Nash, from the Committee on Banks to whom was referred House bills entitled

H. 139. An act to incorporate the American Trust Company;

H. 212. An act to incorporate the Montpelier Savings and Trust Company;

Reported in favor of their passage; thereupon they were severally read a third time and passed in concurrence.

House bill entitled

H. 40. An act to annex a part of the town of Wilmington to the town of Dover,

Was taken up as unfinished business, the question being on the adoption of the proposal of amendment offered by Mr. Heath;

Which was agreed to—yeas 12, nays 9.

Mr. Heath having demanded the yeas and nays, they were taken, and are as follows:

Those Senators who voted in the affirmative are Messrs.

Benedict,
Camp,
Dewey of Washington,
Dickerman,

Farnham,
Goodell,
Heath,
Hutchinson of Franklin,

Hutchinson of Orange,
Jones,
Ladd,
Nash—12.

Those Senators who voted in the negative are Messrs.

Copeland,
Elkins,
Halbert,

Hall,
Heath,
Orvis,

Pingry,
Saxe,
Wheeler—9.

So the proposal of amendment was agreed to; thereup the bill was read a third time and passed in concurrence, with a proposal of amendment.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have passed House bills of the following titles:

H. 187. An act to incorporate the Runaway Pond Railroad Company;

H. 253. An act to legalize certain acts of the town of Castleton ;

H. 165. An act to incorporate the Rutland and Bethel Railroad Company ;

H. 248. An act relating to the supreme court ;

H. 221. An act relating to the authorization of persons to serve process ;

H. 143. An act in amendment of section seven of an act entitled "An act to incorporate the Killington Railroad Company," approved November 19, 1868 ;

In the passage of which the concurrence of the Senate is requested.

And have considered Senate bills of the following titles :

S. 33. An act to protect fish in Tuttle Pond ;

S. 78. An act to incorporate the Vermont State Trust Company ;

And have passed the same in concurrence.

Mr. Halbert, from the Committee on Agriculture to whom was referred a bill entitled

S. 91. An act to incorporate the Vermont Horse Stock Company ;

Reported, recommending that the bill be amended by adding to section two the following : "*No part of which stock shall at any time be withdrawn or in any way diverted from the proper business of said company ;*"

Which was agreed to ; thereupon the bill was

Ordered to be engrossed and read a third time.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows :

MR. PRESIDENT : I am directed to inform the Senate that the House have passed House bills of the following titles :

H. 207. An act to protect fish in Spencer Hollow Brook and its tributaries ;

H. 132. An act to amend an act approved November 19, 1868, entitled, "An act to amend an act entitled 'An act to incorporate the city of Burlington, approved November 22, 1864 ;'"

H. 204. An act to enable the towns therein named to aid in the construction of the Fairfax Railroad ;

H. 190. An act to incorporate the Wantasticet Valley Railroad Company ;

H. 206. An act to enable the towns and cities therein named to aid in the construction of the Northern Vermont and Lake Champlain Railroad ;

H. 202. An act to legalize the grand list of the town of Chelsea for the years 1867, 1868 and 1869;

H. 226. An act changing the name of Lillie May Kenyon;

H. 205. An act to prevent the destruction of fish;

H. 114. An act authorizing the Lamoille Valley Railroad Company to construct and extend its Railroad to Maquam Bay in the town of Swanton;

H. 203. An act to enable the towns in the counties of Orange and Windsor to aid in the construction of the West Fairlee Railroad.

Mr. Wheeler, from the Committee on the Judiciary to whom was referred House bill entitled

H. 153. An act to legalize the grand list of the town of Peru;

Reported in favor of its passage; thereupon the bill was read the third time and passed in concurrence.

Mr. Wheeler, from the Committee on the Judiciary to whom was referred a bill entitled

S. 89. An act to amend section seven of chapter eighty of the General Statutes, relating to notice of protest of negotiable instruments;

Reported in favor of its passage; thereupon the bill was *Ordered* to be engrossed and read a third time.

Mr. Wheeler, for a majority of the Committee on the Judiciary to whom was referred a bill entitled

S. 72. An act abolishing the solitary confinement of persons sentenced to death;

Reported, recommending that all of section first after the fifth line, and inserting as follows:

"When any person shall be convicted of any crime punishable with death, and sentenced to suffer such punishment, he shall at the same time be sentenced to confinement at hard labor in the State Prison until such punishment shall be inflicted; and while any person shall be so confined in the State Prison, the Superintendent may, in his discretion, keep such person in solitary confinement;"

Which was agreed to.

The Committee recommended that the title of the bill be amended after its passage to read as follows:

"An act relating to the confinement of persons under sentence of death."

Mr. Hutchinson of Orange, from the Committee on the Library to whom was referred the report of the Trustees of the State Library, reported the same, accompanied by a joint resolution, as follows:

Resolved by the Senate and House of Representatives,
That the Trustees of the State Library be authorized to purchase a complete set of the English Statutes for the Library;
Which was read and adopted on the part of the Senate.

Engrossed bill entitled

S. 76. An act to entitle school districts to send scholars to academies,

Was taken up, having been returned from the House of Representatives with proposals of amendment, as follows:

First, In section two, line —, after the word district, to substitute for the word "to" the word "*the right*;" also in line three, after the word manner, to insert the word "*to*;"
Which were severally concurred in.

Engrossed bills entitled

S. 90. An act to incorporate the Waterbury National Trust Company;

S. 92. An act to incorporate the Union Trust Company;
Were severally read a third time and passed.

Mr. Halbert, from the General Committee to whom was referred House bill entitled

H. 108. An act changing the name of Hattie Ann Stebens and constituting her heir-at-law of Mark A. Amsden and Marriett H. Amsden;

H. 215. An act altering the name of Emery Jones Smith to Emery Jones Parsons;

H. 216. An act to change the name of Marion W. Washburn;

Reported against their passage; thereupon the third of said bills were severally refused.

Mr. Merrill, from the General Committee to whom was referred House bill entitled

H. 82. An act in amendment to section one of an act to incorporate the Barre Hotel Company, approved November 12, 1859;

H. 146. An act to incorporate the Brattleboro Phoenix Company;

H. 166. An act to incorporate the Case and Thomas Manufacturing Company;

H. 238. An act providing for the location and erection of county buildings in the county of Bennington, and laying a tax therefor ;

Reported in favor of their passage ; thereupon they were severally read the third time, and passed in concurrence.

Mr. Merrill, from the General Committee to whom was referred House bill entitled

H. 214. An act changing the name of Michael McTague to Myron Montague ;

Reported against its passage ; thereupon the engrossment and third reading of said bill was refused.

On motion of Mr. Royce, the vote by which House bill entitled

H. 64. An act to annex a part of the town of Ripton to the town of Lincoln,

Was passed in concurrence, was reconsidered ; and on of Mr. Dickerman, the bill was

Ordered to lie.

A bill entitled

S. 55. An act to encourage manufactures ;

Was taken up ; Mr. Farnham moved to amend by exempting all manufactures ; was disagreed to ; thereupon, the bill was

Ordered to be engrossed, and read a third time and passed.

A bill entitled

S. 62. An act in addition to chapter one hundred and thirteen, section twenty-six of the General Statutes, and for the more effectual prevention of cruelty to animals ;

Was taken up ; and its engrossment and third reading refused.

A bill entitled

S. 26. An act to amend the act incorporating Newbury Seminary,

Was taken up ; and on motion of Mr. Dickerman, was

Ordered to lie.

House bill entitled

H. 17. An act to amend the charter of the Vermont Life Insurance Company,

Was taken up ; and on motion of Mr. Benedict, was

Ordered to lie.

House bills of the following titles were severally read the first and second time, and referred, as follows :

- H. 228. An act to incorporate the village of Benson ;
H. 231. An act to legalize the grand list of the town of Victory for the years 1868 and 1869 ;
H. 249. An act in amendment of an act to incorporate the Dominion Marble Company ;
To the General Committee.
H. 227. An act to amend section five of an act entitled "An act authorizing towns to establish central schools ;"
To the Committee on Education.
H. 240. An act to pay Charles S. Hoyle the sum therein mentioned ;
To the Committee on Claims.

On motion of Mr. Hutchinson, the Senate adjourned at twelve o'clock and fifteen minutes.

AFTERNOON.

House bills of the following titles were severally read the first and second time, and referred, as follows :

- H. 145. An act to incorporate the Vergennes Navigation Company ;
H. 245. An act to constitute Eddie Marshall Smith heir-at-law of Philander and Mary Smith ;
H. 74. An act in amendment of an act entitled "An act establishing a corporation by the name of the Champlain Transportation Company ;"
H. 148. An act incorporating the town of Stannard ;
H. 226. An act changing the name of Lillie May Kenyon ;
H. 205. An act to prevent the destruction of fish ;
H. 207. An act to protect fish in Spencer Hollow Brook and its tributaries ;
H. 47. An act to incorporate the North Eastern Mutual Life Insurance Company ;
H. 167. An act in addition to section nineteen of chapter eighty-three of the General Statutes, relating to the re-appraisal of real estate in certain cases ;
H. 130. An act laying a tax on the lands in Avery's Gore and Buel's Gore, in the County of Chittenden ;
To the Committee on Land Taxes.

H. 234. An act to legalize the grand list of the town of Guilford;

H. 202. An act to legalize the grand list of the town of Chelsea for the years 1867, 1868 and 1869;

H. 132. An act to amend an act approved November 19, 1868, entitled "An act to amend an act entitled an act to incorporate the city of Burlington," approved November 22, 1864;

H. 41. An act to prevent the careless use of firearms;
To the Committee on the Judiciary.

H. 203. An act to enable the towns in the counties of Orange and Windsor to aid in the construction of the West Fairlee Railroad;

H. 206. An act to enable the towns and cities therein named to aid in the construction of the Northern Vermont and Lake Champlain Railroad;

H. 204. An act to enable the towns therein named to aid in the construction of the Fairfax Railroad;

H. 190. An act to incorporate the Wantasticet Valley Railroad Company;

To the Committee on Railroads.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have passed House bills of the following titles:

H. 167. An act in addition to section nineteen of chapter eighty-three of the General Statutes, relating to the reappraisal of real estate in certain cases;

H. 250. An act to incorporate the Bradford Trust Company;

In the passage of which the concurrence of the Senate is requested.

And have considered a joint resolution relating to pay of sweepers;

And have adopted the same in concurrence.

And have passed House bills of the following titles:

H. 41. An act to prevent the careless use of firearms;

H. 47. An act to incorporate the Northeastern Mutual Life Association;

In the passage of which the concurrence of the Senate is requested.

Mr. Goodell, from the Committee on Highways and Bridges to whom was referred a bill entitled

S. 61. An act in relation to the width of cart and lumber wagon tires to be used upon public highways;

Reported against its passage; thereupon the engrossment and third reading of said bill was refused.

Mr. Copeland, from the Committee on Bills, submitted the following report:

SENATE CHAMBER, Nov. 13, 1869.

To the honorable Senate now in session:

The Committee on Bills respectfully report that they have duly examined the following entitled bills and have this day presented the same to the Governor for his approval, viz:

S. 6. An act in amendment of an act to enable the towns in the counties of Washington, Caledonia and Orange, to aid in the construction of the "Montpelier and Wells River Railroad," approved October 30, 1868;

S. 8. An act to incorporate the Northern Vermont and Lake Champlain Railroad Company;

S. 34. An act changing the name of and relating to the Northfield Cemetery Association.

L. COPELAND, for Committee.

Engrossed bill entitled

S. 65. An act changing the day of the annual meeting of the Board of Education,

Was taken up, having been returned from the House of Representatives with proposals of amendment, as follows: by striking out, in the ninth and tenth lines, in section one, the words "*one special meeting during the recess of the Legislature,*" and inserting in lieu thereof the words "*such special meetings during the recess of the Legislature as shall be necessary;*"

Which was concurred in.

A message from his Excellency, the Governor, by Mr. Marsh, Secretary of Civil and Military Affairs, as follows:

MR. PRESIDENT: I am directed by the Governor to return herewith to the Senate, Senate bill No. 40, entitled "An act in addition to chapter eighty-three of the General Statutes, entitled 'Of the grand list,'" without his approval, and with his objections thereto in writing.

The President laid before the Senate the following message from his Excellency, the Governor:

On motion of Mr. Pingry, the message of his Excellency, the Governor, was

Ordered to lie.

A message was received from the House of Representatives, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have considered a joint resolution on the State Library;

And have adopted the same in concurrence.

They have considered Senate proposals of amendment to House bill entitled

H. 40. An act to annex a part of the town of Wilmington to the town of Dover;

And have concurred therein.

Mr. Royce, from the Committee on Railroads to whom was referred a bill entitled

S. 82. An act to extend the charter of the West River Railroad;

Reported in favor of its passage; thereupon the bill was *Ordered* to be engrossed and read a third time.

Mr. Goodell moved that the House of Representatives be requested to return to the possession of the Senate House bill entitled

H. 40. An act to annex a part of the town of Wilmington to the town of Dover.

House bill entitled

H. 42. An act in amendment of and in addition to chapter ninety-four of the General Statutes, entitled "Of the traffic in intoxicating drinks,"

Was taken up as a special order; Mr. Pingry moved to propose to the House to amend by striking out sections three, four, five, six, seven and nine of said bill;

Which was agreed to; thereupon the bill was passed in concurrence, with proposals of amendment.

Mr. Merrill, from the General Committee to whom was referred House bill entitled

H. 228. An act to incorporate the village of Benson;

H. 231. An act to legalize the grand list of the town of Victory for the years 1868 and 1869;

H. 249. An act in amendment an act to incorporate the Dominion Marble Company;

H. 74. An act in amendment of an act establishing the corporation by the name of the Champlain Transportation Company;

Reported in favor of their passage ; thereupon they were severally read a third time and passed in concurrence.

Mr. Merrill, from the General Committee to whom was referred House bill entitled

H. 170. An act relating to Library Associations ;

Reported, recommending to propose to the House to amend as follows : in the fourth line, strike out the word "*majority*," and in the fifth line, the words "*two thirds*," and in lieu thereof insert the word "*unanimous*." It will as amended read "*by a unanimous vote of the stock or shares*," &c.; thereupon the bill was read a third time and passed in concurrence, with a proposal of amendment.

Mr. Copeland, from a select Committee to whom was referred House bill entitled

H. 239. An act laying a tax on the county of Rutland for the purpose of completing and furnishing the new court house in said county, and paying the indebtedness of the county ;

Reported in favor of its passage ; thereupon the bill was read a third time and passed in concurrence.

A message was received from the House of Representatives, by Mr. Peck, as follows :

MR. PRESIDENT: I am directed by the House to return to the Senate, pursuant to their request, House bill entitled

H. 40. An act to annex a part of the town of Wilmington to the town of Dover,

Was reconsidered—yeas 15, nays 8.

Mr. Dewey of Washington having demanded the yeas and nays, they were taken, and are as follows :

Those Senators who voted in the affirmative are Messrs.

Benedict,
Camp,
Collamer,
Copeland,
Dale,

Elkins,
Farnham,
Green,
Halbert,
Hutchinson of Orange,

Merrill,
Pingry,
Royce,
Saxe,
Wheeler—15.

Those Senators who voted in the negative are Messrs.

Dewey of Washington,
Dickerman,
Goodell,

Hastings,
Heath,
Hutchinson of Franklin,

Ladd,
Nash—8.

So its passage was reconsidered.

Mr. Goodell moved to reconsider the vote adopting Mr. Heath's amendment to said bill ;

Which was agreed to—yeas 13, nays 13.

Mr. Heath having demanded the yeas and nays, they were taken, and are as follows :

Those Senators who voted in the affirmative are Messrs.

Benedict,
Collamer,
Copeland,
Eikins,
Green,

Halbert,
Hall,
Merrill,
Orvis,

Pinrgy,
Royce,
Saxe,
Wheeler—13.

Those Senators who voted in the negative are Messrs.

Camp,
Dale,
Dewey of Washington,
Dickerman,
Farnham,

Goodell,
Hastings,
Heath,
Hutchinson of Franklin,

Hutchinson of Orange,
Jones,
Ladd,
Nash—13.

The vote being equal, the Secretary called the President, who recorded his vote in the affirmative ; so the amendment was reconsidered.

The question recurring, Will the Senate adopt the amendment offered by Mr. Heath ? it was disagreed to.

Mr. Heath moved that the bill be ordered to lie ;

Which was disagreed to ; the question being, Shall the bill pass ? it was decided in the affirmative—yeas 14, nays 11.

Mr. Heath having demanded the yeas and nays, they were taken, and are as follows :

Those Senators who voted in the affirmative are Messrs.

Benedict,
Collamer,
Copeland,
Eikins,
Green,

Halbert,
Hall,
Merrill,
Nash,
Orvis,

Pinrgy,
Royce,
Saxe,
Wheeler—14.

Those Senators who voted in the negative are Messrs.

Camp,
Dale,
Dewey of Washington,
Dickerman,

Farnham,
Goodell,
Heath,
Hutchinson of Franklin,

Hutchinson of Orange,
Jones,
Ladd—11.

So the bill was passed in concurrence.

Mr. Benedict, from the Committee on Education to whom was referred House bills entitled

H. 219. An act to amend an act entitled " An act in amendment of section two of chapter twenty-three of the General Statutes, entitled " Of instruction of the deaf, dumb and blind ;"

H. 227. An act to amend section five of an act entitled " An act authorizing towns to establish central schools ;"

Reported in favor of their passage ; thereupon they were severally read the third time, and passed in concurrence.

Mr. Royce moved that when the Senate adjourn, it adjourn to meet at seven o'clock this evening ;

Which was agreed to.

On motion of Mr. Halbert, House bill entitled

H. 64. An act to annex a part of the town of Ripton to the town of Lincoln,

Was taken up ; Mr. Heath moved that the bill be

Ordered to lie ; which was disagreed to ; thereupon the bill was passed in concurrence.

Mr. Hutchinson of Franklin, from the Committee on Highways and Bridges to whom was referred House bill entitled

H. 210. An act granting a ferry to John Quincy Adams ;

Reported in favor of its passage ; thereupon the bill was read a third time, and passed in concurrence.

Mr. Heath, from the Committee on the Judiciary to whom was referred House bill entitled

H. 181. An act in amendment of section eighty-one of chapter fifteen of the General Statutes, relating to jurisdiction of constables.

Mr. Hutchinson of Orange, from the Committee on Land Taxes to whom was referred House bill entitled

H. 122. An act laying a tax on lands in the town of Stratton ;

Reported in favor of its passage ; thereupon the bill was read the third time and passed in concurrence.

Mr. Halbert, from the General Committee to whom was referred House bill entitled

H. 141. An act to protect fish in Hovey's Pond ;

Reported in favor of its passage ; thereupon the bill was read the third time and passed in concurrence.

Mr. Royce, from the Committee on Railroads to whom was referred House bill entitled

H. 204. An act to enable the towns therein named to aid in the construction of the Fairfax Railroad ;

Reported in favor of its passage ; thereupon the bill was read the third time and passed in concurrence.

Mr. Nash, from the Committee on Banks to whom was referred House bill entitled

H. 197. An act to incorporate the Caledonia County Trust Company ;

Reported in favor of its passage; thereupon the bill was read a third time and passed in concurrence.

A message was received from the House of Representatives by Mr. White, their second Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the Governor has informed the House that he has this day approved and signed bills originating in the House, of the following titles, viz.:

H. 98. An act in amendment of section thirty-three of chapter eighty-four of the General Statutes, entitled "Of the collection of taxes;"

H. 158. An act in amendment of an act to incorporate the National Trust Company, approved November 19, 1868;

H. 157. An act relating to the assessment of State taxes;

H. 49. An act relating to Phillips Academy and to school district No. 26 in the town of Danville;

H. 80. An act to incorporate the Lamoille Valley Junction Railroad Company.

Mr. Copeland, from the Committee on Bills submitted the following report:

SENATE CHAMBER, November 15, 1869.

To the Honorable Senate now in session:

The Committee on Bills respectfully report that they have duly examined the following bills, and have this day presented the same to the Governor for his approval:

S. 38. An act to pay Peter Lander, Jr., the sum therein mentioned;

S. 54. An act laying a tax on the grand list of the towns of Ferdinand and Lewis;

S. 59. An act in amendment of an act entitled "An act in amendment of chapter ninety-seven of the General Statutes, entitled 'Of public lands;'"

S. 63. An act to incorporate the Plainfield Building Company;

S. 70. An act to incorporate the International Telegraph Company;

S. 75. An act in amendment of section fifty-five of chapter twenty-four of the General Statutes, entitled "Of laying out and discontinuing highways and bridges;"

S. 76. An act to entitle school districts to send scholars to academies;

S. 77. An act to incorporate the Beeman Academy in New Haven;

S. 81. An act to change the name of the Winooski Marble Company;

S. 33. An act to protect fish in Tuttle Pond;

S. 78. An act to incorporate the Vermont State Trust Company;

S. 65. An act changing the day of the annual meeting of the Board of Education.

L. COPELAND, for Committee.

On motion of Mr. Saxe, the Senate adjourned at four o'clock and fifty-five minutes.

MONDAY EVENING, 7 O'CLOCK.

Mr. Halbert, from the General Committee to whom was referred House bills entitled

H. 132. An act to amend an act approved November 19, 1868, entitled, "An act to amend an act entitled 'An act to incorporate the city of Burlington, approved November 22, 1864;'"

H. 167. An act in addition to section nineteen of chapter eighty-three of the General Statutes, relating to the appraisal of real estate in certain cases;

H. 148. An act incorporating the town of Stannard;

H. 47. An act to incorporate the Northeastern Mutual Life Association;

Reported in favor of their passage; thereupon they were severally read a third time, and passed in concurrence.

Mr. Saxe, from the Committee on Manufactures to whom was referred House bill entitled

H. 48. An act to amend the charter of the Burlington Manufacturing Company;

Reported in favor of its passage; thereupon the bill was read the third time and passed in concurrence.

Mr. Royce, from the Committee on Railroads to whom was referred House bills entitled

H. 190. An act to incorporate the Wantasticet Valley Railroad Company;

H. 114. An act authorizing the Lamoille Valley Railroad Company to construct and extend its Railroad to Maquam Bay in the town of Swanton;

H. 203. An act to enable the towns in the counties of Orange and Windsor to aid in the construction of the West Fairlee Railroad;

Reported in favor of their passage; thereupon they were severally read a third time and passed in concurrence.

Mr. Hastings, from the Committee on Banks to whom was referred House bill entitled

H. 250. An act to incorporate the Bradford Trust Company;

Reported in favor of its passage; thereupon the bill was read a third time, and passed in concurrence.

Engrossed bills of the following titles were severally read a third time and passed:

S. 28. An act to incorporate the Island Pond Academy;

S. 32. An act in amendment of chapter eighty-three of the General Statutes, entitled "Of the grand list;"

S. 89. An act to amend section seven of chapter eighty of the General Statutes, relating to notice of protest of negotiable instruments;

S. 72. An act abolishing the solitary confinement of persons sentenced to death;

S. 82. An act to extend the charter of the West River Railroad.

Engrossed bill entitled

S. 55. An act to encourage manufactures,

Was read a third time; Mr. Dale moved that the bill be ordered to lie;

Which was disagreed to; the question being, Shall the bill pass? it was decided in the affirmative—yeas 9, nays 8.

Mr. Dale having demanded the yeas and nays, they were taken, and are as follows:

Those Senators who voted in the affirmative are Messrs.

Camp,
Collamer,
Dewey of Washington

Elkins,
Halbert,
Heath,

Hutchinson of Orange,
Pingry,
Saxe—3.

Those Senators who voted in the negative are Messrs.

Dale,
Farnham,
Hall,

Hutchinson of Franklin,
Ladd,
Merrill,

Nash,
Wheeler—8.

So the bill was passed.

Engrossed bills entitled

S. 91. An act to incorporate the Vermont Horse Stock Company;

Was read the third time and passed.

House bills of the following titles were severally read the first and second time, and referred, as follows:

H. 253. An act to legalize certain acts of the town of Castleton;

H. 221. An act relating to the authorization of persons to serve process;

H. 248. An act relating to the supreme court;
To the Committee on the Judiciary.

H. 165. An act to incorporate the Rutland and Bethel Railroad Company;

H. 187. An act to incorporate the Runaway Pond Railroad Company;

H. 143. An act in amendment of section seven of an act entitled "An act to incorporate the Killington Railroad Company, approved November 19, 1868;"

To the Committee on Railroads.

On motion of Mr. Pingry, the Senate adjourned at eight o'clock.

TUESDAY, NOVEMBER 16, 1869.

Prayer by Rev. William J. Harris, of Montpelier.

The journal was read in part, and on motion of Mr. Halbert, its further reading was dispensed with.

A message was received from the House of Representatives, by Mr. White, their second Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have considered Senate bill of the following title:

S. 66. An act to provide for the restoration of sea fish to the rivers of the State ;

And have passed the same in concurrence.

And have also passed House bill of the following title :

H. 46. An act in addition to " An act regulating the change of depots and stations on railways," approved November 19, 1868 ;

In the passage of which the concurrence of the Senate is requested.

A message from his Excellency, the Governor, by Mr. Marsh, Secretary of Civil and Military Affairs, as follows :

MR. PRESIDENT : I am directed by the Governor to inform the Senate that on the 15th day of November, A. D. 1869, he approved and signed bills originating in the Senate, of the following titles, viz.:

S. 78. An act to incorporate the Vermont State Trust Company ;

S. 81. An act to change the name of the Winooski Marble Company ;

S. 88. An act to pay Peter Lander, Jr., the sum therein named ;

S. 59. An act in amendment of an act entitled an act in amendment of chapter ninety-seven of the General Statutes, entitled " Of public lands ;"

S. 77. An act to incorporate the Beeman Academy in New Haven ;

S. 33. An act to protect fish in Tuttle Pond ;

S. 65. An act changing the day of the annual meeting of the State Board of Education ;

S. 54. An act laying a tax on the grand list of the towns of Ferdinand and Lewis ;

S. 76. An act to entitle school districts to send scholars to academies ;

S. 75. An act in amendment of section fifty of chapter twenty-four of the General Statutes, entitled " Of laying out and discontinuing highways and bridges."

A message was received from the House of Representatives, by Mr. White, their second Assistant Clerk, as follows :

MR. PRESIDENT : I am directed to inform the Senate that the House have adopted a joint resolution directing the Adjutant and Inspector General to report certain statistics to the General Assembly ;

In the adoption of which the concurrence of the Senate is requested.

Joint resolution from the Senate:

Resolved by the Senate and House of Representatives, That the Adjutant and Inspector General is hereby directed to ascertain and report to the General Assembly the names of all men who enlisted directly into the regular army or navy, and the names of all who were transferred or enlisted from any Vermont organization into the same, together with the date of enlistment and the date of the decease or discharge of each soldier or sailor referred to;

Which was read and adopted in concurrence.

Mr. Halbert, from the General Committee to whom was referred House bill entitled

H. 207. An act to protect fish in Spencer Hollow Brook and its tributaries;

Reported in favor of its passage; thereupon the bill was read the third time and passed in concurrence.

Mr. Merrill, from the General Committee to whom was referred House bills entitled

H. 145. An act to incorporate the Vergennes Navigation Company;

H. 205. An act to prevent the destruction of fish;

H. 243. An act to constitute Eddie Marshall Smith of Wolcott, heir-at-law of Philander and Mary Smith;

Reported in favor of their passage; thereupon they were severally read a third time and passed in concurrence.

Mr. Merrill, from the General Committee to whom was referred a bill entitled

H. 226. An act changing the name of Lillie May Kenyon;

Reported adversely to its passage; thereupon the third reading of said bill was refused.

Mr. Pingry, from the Committee on the Judiciary to whom was referred House bill entitled

H. 202. An act to legalize the grand list of the town of Chelsea for the years 1867, 1868 and 1869;

H. 253. An act to legalize certain acts of the town of Castleton;

Reported in favor of their passage; thereupon they were severally read the third time and passed in concurrence.

Mr. Royce, from the Committee on Railroads to whom was referred a bill entitled

S. 88. An act to amend the charter of the West Fairlee Railroad Company;

Reported in favor of its passage; thereupon the bill was *Ordered* to be engrossed and read a third time.

Mr. Royce, from the Committee on Railroads to whom was referred a House bill entitled

H. 187. An act to incorporate the Runaway Pond Railroad Company;

Reported, recommending that the Senate propose to the House to amend the word "*James*" before the word "*Wilson*," in the thirteenth line. Also insert words "*Samuel D.*" before the word "*Hobson*"; which was agreed to;

Thereupon the bill was passed in concurrence, with a proposal of amendment.

Mr. Royce, from the Committee on Railroads to whom was referred House bills entitled

H. 206. An act to enable the towns and cities therein named to aid in the construction of the Northern Vermont and Lake Champlain Railroad;

H. 93. An act in amendment of an act entitled "an act to incorporate the Montpelier and Wells River Railroad Company," approved November 6, 1867;

Reported in favor of their passage; thereupon they were severally read the third time and passed in concurrence.

A bill entitled

S. 26. An act to amend the act incorporating Newbury Seminary,

Was taken up; considered, and on motion of Mr. Colamer, the bill was

Ordered to lie, and be made the special order at two o'clock this afternoon.

President *pro tempore* in the chair.

A message from his Excellency, the Governor, by Mr. Marsh, Secretary of Civil and Military Affairs, as follows:

MR. PRESIDENT: I am directed by the Governor to inform the Senate that he has this day approved and signed a bill originating in the Senate, of the following title, viz:

S. 63. An act to incorporate the Plainfield Building Company.

Mr. Green, from the Committee on Claims to whom was referred House bill entitled

H. 240. An act to pay Charles S. Hoyle the sum therein mentioned;

Reported in favor of its passage; thereupon the bill was read the third time and passed in concurrence.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the Governor has informed the House that on the 15th day of November he approved and signed bills originating in the House, of the following titles, viz:

H. 249. An act in amendment an act to incorporate the Dominion Marble Company;

H. 239. An act laying a tax on the county of Rutland for the purpose of completing and furnishing the new court house in said county, and paying the indebtedness of the county;

H. 238. An act providing for the location and erection of county buildings in the county of Bennington, and laying a tax therefor;

H. 146. An act to incorporate the Brattleboro Phoenix Company;

H. 82. An act in amendment to section one of an act to incorporate the Barre Hotel Company, approved November 12, 1859;

H. 160. An act to amend chapter seventeen of the General Statutes, relating to the registration of births, marriages and deaths;

H. 231. An act to legalize the grand list of the town of Victory for the years 1868 and 1869;

H. 228. An act to incorporate the village of Benson;

H. 220. An act relating to the Cemetery in Wells River village;

H. 139. An act to incorporate the American Trust Company;

H. 153. An act to legalize the grand list of the town of Peru;

H. 244. An act making provisions for the support of Government.

Mr. Wheeler, from the Committee on the Judiciary to whom was referred House bill entitled

H. 41. An act to prevent the careless use of firearms;

Reported adversely to its passage; thereupon the third reading of the bill was refused.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows :

MR. PRESIDENT: I am directed to inform the Senate that the Governor has informed the House that he has approved and signed bills originating in the House of the following titles :

H. 154. An act to incorporate the Manchester and Jamaica Railroad Company ;

H. 164. An act relating to railroads ;

H. 166. An act to incorporate the Case and Thomas Manufacturing Company ;

H. 106. An act to incorporate the Battenkill and Pawlet Rivers Railroad Company ;

H. 212. An act to incorporate the Montpelier Savings and Trust Company.

Mr. Heath, from the Committee on the Judiciary to whom was referred House bill entitled

H. 234. An act to legalize the grand list of the town of Guilford ;

Reported in favor of its passage ; thereupon the bill was read a third time and passed in concurrence.

The President *pro tempore* laid before the Senate the following communication from the Secretary of State :

STATE OF VERMONT,

Office of Secretary of State, Montpelier, Nov. 15, 1869. }
To the Honorable, the General Assembly :

In compliance with the provisions of the General Statutes, I have the honor to transmit herewith the twelfth annual report relating to the registry and returns of births, marriages and deaths, for the year ending December 31, 1868.

Respectfully,

GEORGE NICHOLS, *Secretary of State.*

On motion of Senator Hutchinson of Franklin, the twelfth annual report relating to the registry and returns of births, marriages and deaths, for the year ending December 31, 1868, was

Ordered to lie, and the Secretary of the Senate directed to procure the printing of one thousand copies for the use of the General Assembly.

On motion of Mr. Hastings, the Senate adjourned at eleven o'clock and forty-five minutes.

AFTERNOON.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have considered Senate bills of the following titles:

S. 79. An act to incorporate the People's Savings and Trust Company;

S. 90. An act to incorporate the Waterbury National Trust Company;

S. 92. An act to incorporate the Union Trust Company; And have passed the same in concurrence.

And have passed House bill entitled

H. 251. An act relating to the Company for rendering the Connecticut River navigable by Bellows Falls;

In the passage of which the concurrence of the Senate is requested.

And have considered Senate bills of the following titles:

S. 11. An act relating to pleadings and proceedings in certain criminal cases;

S. 32. An act in amendment of chapter eighty-three of the General Statutes, entitled "Of the grand list,"

And do not concur in the passage thereof.

Engrossed bill entitled

S. 88. An act to amend the charter of the West Fairlee Railroad Company;

Was read a third time and passed.

House bills of the following titles were severally read the first and second time, and referred, as follows:

H. 251. An act relating to the Company for rendering the Connecticut River navigable by Bellows Falls;

To the General Committee.

H. 46. An act in addition to an act entitled "An act regulating the change of depots and stations on railways, approved November 19, 1868;"

To the Committee on Railroads.

Mr. Heath, from the Committee on the Judiciary to whom was referred House bill entitled

H. 221. An act relating to the authorization of persons to serve process ;

Reported in favor of its passage ; thereupon the bill was read the third time and passed in concurrence.

Mr. Pingry, from the Committee on the Judiciary to whom was referred a bill entitled

S. 86. An act providing for a view of premises in actions concerning real estate ;

Reported recommending that the bill be amended by striking out section two ;

Which was agreed to ; thereupon the bill was

Ordered to be engrossed and read a third time.

Mr. Royce, from the Committee on the Judiciary to whom was referred a bill entitled

S. 41. An act in relation to the action of account ;

Reported adversely to its passage ; thereupon the engrossment and third reading of the bill was refused.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows :

MR. PRESIDENT: I am directed to inform the Senate that the House have passed House bill entitled

H. 254. An act to legalize the grand list of the town of Bennington for the year 1868 ;

In the passage of which the concurrence of the Senate is requested.

And have considered Senate proposals of amendment to House bill entitled

H. 170. An act relating to Library Associations ;

And have concurred therein.

And have passed House bills of the following titles :

H. 172. An act entitled an act for the relief of Gilmore & Brainerd, of St. Albans, Vt. ;

H. 252. An act constituting Willery M. Hoyt and Emery M. Currier heirs-at-law of Charles H. and Mary T. French ;

In the passage of which the concurrence of the Senate is requested.

A message from his Excellency, the Governor, by Mr. Marsh, Secretary of Civil and Military Affairs, as follows :

MR. PRESIDENT: I am directed by the Governor to inform

the Senate that he has this day approved and signed a bill originating in the Senate, of the following title, viz:

S. 70. An act to incorporate the International Telegraph Company.

A bill entitled

S. 26. An act to amend the act incorporating Newbury Seminary,

Was taken up as a special order; Mr. Heath moved to amend the amendment proposed by the Committee, as follows:

This act shall take effect when there shall be paid by any parties interested in the Newbury Seminary, the sum of four thousand five hundred dollars to the Trustees of the Vermont Conference Seminary and Female College;

Which was disagreed to; the question being, Shall the bill be engrossed and read a third time? it was decided in the negative.

The message (see Appendix) of his Excellency, the Governor, returning to the Senate, with his objections thereto, engrossed bill entitled

S. 40. An act in addition to chapter eighty-three of the General Statutes, entitled "Of the grand list,"

Was taken up for consideration; the question being, Will the Senate pass the bill, notwithstanding the objections of the Executive?

Which was decided in the negative—yeas 2, nays 23.

The roll of the Senate was called under the rule:

Those Senators who voted in the affirmative are Messrs.

Pingry,

Royce—2.

Those Senators who voted in the negative are Messrs.

Benedict,
Copeland,
Dale,
Dewey of Washington,
Dewey of Windsor,
Dickerman,
Elkins,
Farnham,

Goodell,
Green,
Halbert,
Hall,
Hastings,
Heath,
Hutchinson of Franklin,
Hutchinson of Orange,

Jones,
Ladd,
Merrill,
Nash,
Orvis,
Saxe,
Wheeler—23.

So the Senate refused to pass the bill notwithstanding the objections of the Governor.

Engrossed bill entitled

S. 86. An act providing for a view of premises in actions concerning real estate,

Was read a third time and passed.

House bills of the following titles were severally read the first and second time, and referred, as follows:

H. 231. An act to legalize the grand list of the town of Victory for the years 1868 and 1869;

H. 254. An act to legalize the grand list of the town of Bennington for the year 1868;

To the General Committee.

H. 172. An act entitled an act for the relief of Gilmore & Brainerd of St. Albans, Vt.;

To the Committee on Claims.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have considered Senate bills of the following titles:

S. 27. An act relating to depositions;

S. 84. An act in amendment of an act approved November 19, 1856, entitled "An act to incorporate the Lyndon Mill Company;"

S. 83. An act in addition to an act approved November 19, 1868, relating to teachers' institutes;

And have passed the same in concurrence.

An have considered Senate bill entitled

S. 57. An act relating to Phillips Academy and to school district No. 26 in the town of Danville;

And do not concur in the passage thereof.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have passed House bills of the following titles:

H. 224. An act to provide for the expenses of the Vermont Reform School and for the enlargement of its buildings;

H. 174. An act relating to the Normal Schools of this State;

In the passage of which the concurrence of the Senate is requested.

House bills of the following titles were severally read the first and second time and referred, as follows:

H. 224. An act to provide for the expenses of the Vermont Reform School and for the enlargement of its buildings;

To the Committee on the Reform School.

H. 174. An act relating to the Normal Schools of this State ;

To the Committee on Education.

Mr. Hutchinson of Orange, from the Committee on Claims to whom was referred House bill entitled .

H. 172. An act entitled "An act for the relief of Gilmore & Brainard ;"

Reported in favor of its passage ; thereupon the bill was read a third time and passed in concurrence.

Mr. Merrill, from the General Committee to whom was referred House bill entitled

H. 254. An act to legalize the grand list of the town of Bennington for the year 1868 ;

Reported in favor of its passage ; thereupon the bill was read a third time and passed in concurrence.

Mr. Halbert, from the General Committee to whom was referred House bills entitled

H. 251. An act relating to the Company for rendering Connecticut River navigable by Bellows Falls ;

H. 252. An act constituting Willery M. Hoyt and Emery M. Currier heirs-at-law of Charles H. and Mary T. French ;

Reported in favor of their passage ; thereupon they were severally read a third time and passed in concurrence.

On motion of Mr. Collamer, the Senate took a recess until three o'clock and forty-five minutes.

At the expiration of the recess, the President resumed the chair.

Engrossed bill entitled

S. 58. An act to protect fish in Silver Lake,

Was taken up ; Mr. Collamer, by unanimous consent, withdrew his amendment to said bill ; thereupon it was passed.

Mr. Farmham, from the Committee on Education to whom was referred House bill entitled

H. 174. An act relating to the Normal Schools of this State ;

Reported in favor of its passage ; thereupon the bill was read a third time and passed in concurrence.

Mr. Merrill, by unanimous consent, introduced a bill entitled

S. 93. An act in amendment of an act to incorporate the International Telegraph Company ;

Which was read the first and second time, and under a suspension of the rules, was read a third time and passed.

Mr. Merrill, from the Committee on the State Reform School to whom was referred

H. 224. An act to provide for the expenses of the Vermont Reform School and for the enlargement of its buildings ;

Reported in favor of its passage ; thereupon the bill was read the third time and passed in concurrence.

Mr. Elkins, from the Committee on Bills, submitted the following report :

SENATE CHAMBER, Nov. 16, 1869.

To the Honorable Senate now in session :

The Committee on Bills respectfully report that they have duly examined the following entitled bills, and have this day presented the same to the Governor for his approval :

S. 66. An act to provide for the restoration of sea fish to the rivers of the State ;

S. 92. An act to incorporate the Union Trust Company ;

S. 90. An act to incorporate the Waterbury National Trust Company ;

S. 79. An act to incorporate the People's Savings and Trust Company.

WM. G. ELKINS, for Committee.

Mr. Dickerman, from the Committee on Railroads to whom was referred House bill entitled

H. 165. An act to incorporate the Rutland and Bethel Railroad Company ;

Reported, recommending that the Senate propose to the House to amend the bill,

First, In section eleven, line thirty-seven, by striking out the word "*resident*" before the word "*tax-payers* ;"

Which was agreed to.

Second, In section eleven, lines forty-six and forty-seven, by striking out the words "*resident citizens of*," and inserting in lieu thereof the words "*and tax-payers in* ;"

Which was agreed to.

Third, In section twelve, line eleven, by striking out the word "*resident* ;"

Which was agreed to ;

Thereupon the bill was read a third time and passed in concurrence, with a proposal of amendment.

Mr. Halbert introduced the following resolution :

Resolved, That when the Senate adjourn this afternoon, it be to meet at 7 o'clock this evening ;

Which was read and adopted.

On motion of Mr. Dale, the Senate adjourned at five o'clock.

TUESDAY EVENING, 7 O'CLOCK.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows :

MR. PRESIDENT: I am directed to inform the Senate that the Governor has informed the House that he has this day approved and signed bills originating in the House, of the following titles:

H. 74. An act in amendment of an act entitled "An act establishing a corporation by the name of the Champlain Transportation Company ;"

H. 203. An act to enable the towns in the counties of Orange and Windsor to aid in the construction of the West Fairlee Railroad ;

H. 141. An act to protect fish in Hovey's Pond ;

H. 202. An act to legalize the grand list of the town of Chelsea for the years 1867, 1868 and 1869 ;

H. 227. An act to amend section five of an act entitled "An act authorizing towns to establish central schools ;"

H. 205. An act to prevent the destruction of fish ;

H. 253. An act to legalize certain acts of the town of Castleton ;

H. 207. An act to protect fish in Spencer Hollow Brook and its tributaries ;

H. 219. An act to amend an act entitled an act in amendment of section two of chapter twenty-three of the General Statutes, entitled "Of instruction of the deaf, dumb and blind ;"

H. 181. An act in amendment of section eighty-one of chapter fifteen of the General Statutes, relating to jurisdiction of constables ;

H. 148. An act incorporating the town of Stannard ;

H. 132. An act to amend an act approved November 19,

1868, entitled "An act to amend an act entitled an act to incorporate the city of Burlington," approved November 22, 1864;

H. 47. An act to incorporate the Northeastern Mutual Life Association;

H. 250. An act to incorporate the Bradford Trust Company;

H. 206. An act to enable the towns and cities therein named to aid in the construction of the Northern Vermont and Lake Champlain Railroad;

H. 167. An act in addition to section nineteen of chapter eighty-three of the General Statutes, relating to the re-appraisal of real estate in certain cases;

H. 190. An act to incorporate the Wantasticet Valley Railroad Company;

H. 204. An act to enable the towns therein named to aid in the construction of the Fairfax Railroad;

H. 210. An act granting a ferry to John Quincy Adams;

H. 40. An act to annex a part of the town of Wilmington to the town of Dover;

H. 64. An act to annex a part of the town of Ripton to the town of Lincoln;

H. 114. An act authorizing the Lamoille Valley Railroad Company to construct and extend its Railroad to Maquam Bay in the town of Swanton;

H. 48. An act to amend the charter of the Burlington Manufacturing Company;

H. 122. An act laying a tax on the town of Stratton.

The House have considered Senate bill entitled

S. 72. An act abolishing the solitary confinement of persons sentenced to death;

And do not concur in the passage thereof.

Have considered Senate bill entitled

S. 85. An act in amendment of an act entitled "An act to authorize the removal of obstructions from the Passumpsic River;

And have passed the same in concurrence.

And have considered Senate bill entitled

S. 55. An act to encourage manufactures;

And have passed the same in concurrence with a proposal of amendment, in which the Senate's concurrence is requested.

And have considered Senate proposals of amendment to House bill entitled

H. 165. An act to incorporate the Rutland and Bethel Railroad Company ;

And have concurred therein.

Engrossed bill entitled

S. 50. An act to incorporate the Alburgh, Plattsburgh and Highgate Steamboat Company ;

Was taken up, having been returned from the House of Representatives with a proposal of amendment, as follows :

The House propose to the Senate to amend in section five, line fourteen, by striking out the words "*who shall not at the time protest in writing against the same,*" and insert in lieu thereof the words "*and stockholders ;*"

Which was concurred in.

Engrossed bill entitled

S. 55. An act to encourage manufactures,

Was taken up, having been returned from the House of Representatives with a proposal of amendment, as follows :

The House propose to the Senate to amend this bill by striking out all of line two, section two, and inserting in lieu thereof the following : "*from April 1st, 1870 ;*"

Which was concurred in.

Mr. Elkins, from the Committee on bills, submitted the following report :

SENATE CHAMBER, November 16, 1869.

To the Honorable Senate now in session :

The Committee on Bills respectfully report, that they have duly examined the following entitled bills and have this day presented the same to the Governor for his approval :

S. 85. An act in amendment of an act entitled "An act to authorize the removal of obstructions from the Passumpscic River ;"

S. 31. An act in amendment of an act entitled "An act for organizing the militia ;"

S. 55. An act to encourage manufactures ;

S. 50. An act to incorporate the Alburgh, Plattsburgh and Highgate Steamboat Company ;

S. 28. An act to incorporate the Island Pond Academy ;

S. 86. An act providing for a view of premises in actions concerning real estate.

WM. G. ELKINS, for Committee.

Mr. Dickerman, from the Committee on Railroads to whom was referred House bill entitled

H. 143. An act in amendment of section seven of an act entitled "An act to incorporate the Killington Railroad Company," approved November 19, 1868;

Reported in favor of its passage; thereupon the bill was read a third time and passed in concurrence.

A message was received from his Excellency, the Governor, by Mr. Marsh, Secretary of Civil and Military Affairs, as follows:

MR. PRESIDENT: I am directed by the Governor to inform the Senate that he has this day approved and signed bills originating in the Senate, of the following titles, viz:

S. 66. An act to provide for the restoration of sea fish to the rivers of the State;

S. 79. An act to incorporate the People's Savings and Trust Company;

S. 90. An act to incorporate the Waterbury National Trust Company;

S. 92. An act to incorporate the Union Trust Company;

S. 83. An act in addition to an act approved November 19, 1868, relating to teachers' institutes;

S. 27. An act relating to depositions;

S. 84. An act in amendment of an act approved November 19, 1856, entitled "An act to incorporate the Lyndon Mill Company."

Mr. Nash, by unanimous consent, introduced a bill entitled

S. 94. An act to incorporate the Addison County Trust Company;

Which was read the first and second time, and under a suspension of the rules, was read a third time and passed.

Mr. Royce, from the Committee on Railroads to whom was referred House bills entitled

H. 46. An act in addition to "An act regulating the change of depots and stations on railways," approved November 19, 1868;

Reported, recommending that the Senate propose to the House to amend the bill as follows:

First, To substitute the following for section one of the original bill:

SECTION 1. *No railroad corporation shall abandon any station or depot which is on its road in this State, and owned*

by said corporation, and which has now been, or shall hereafter have been, established for five years, except by consent of the supreme court within and for the county in which the depot is situated, upon petition and hearing, after such notice as the said court may direct; which hearing may be, upon proofs in court, or by reference or commission, under the direction of said court, as to said court may seem meet; upon granting or refusing such petition, the court may award costs as shall seem just for or against any parties who present or resist such petition; and the accommodation furnished by the stopping of trains at such stations, shall not be substantially diminished, as compared with that furnished at other stations on the same road, except upon the consent of the court obtained as aforesaid; provided, however, that if any railroad corporation, desiring to remove or discontinue any depot on its road, shall give notice of such intention by publishing the same in a newspaper, or two newspapers, if so many there shall be printed in the county in which such depot is located, or if no newspaper be printed in such county, then the publication shall be in a newspaper, or two newspapers, if so many there be in an adjoining county, which notice shall be published three weeks successively, and the last publication shall be at least thirty days, and not more than sixty days, previous to the intended time of discontinuance or removal as published in such notice; and if, on the expiration of thirty days after the last publication as aforesaid, no proceeding is commenced to enjoin such corporation, as is provided by section three of this act, then said corporation may discontinue or remove said depot without applying to the court, as is provided in this section.

Which was agreed to.

Second, That section one of the original bill be numbered section two;

Which was agreed to.

Third, That section three of the original bill be stricken out;

Which was agreed to.

Fourth, That a section, to be numbered section three, be added, as follows:

SECTION 3. *In case of any violation or intended violation of the provisions of this act, it shall be the duty of the State's attorney of the county in which said station or depot is located, at the relation of any ten legal voters of the town or city in which said station is located, to proceed in equity by*

petition to enjoin and prevent such violation of this act; and any chancellor to whom such petition shall be presented, either in term time or vacation, shall have power, and it shall be his duty to enforce in a summary manner the provisions of this act, and compel obedience thereto.

SECTION 4. *This act shall take effect from its passage.*

Fifth, That section three of the original bill be numbered section four;

Which was agreed to.

Also, when the bill shall have passed, the title be amended to read as follows:

An act regulating and maintaining depots and stations on railways;

Thereupon the bill was read a third time and passed in concurrence, with proposals of amendment.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the Governor has returned to the House, without his approval and with his objections thereto in writing, House bills of the following titles:

H. 85. An act relating to the collection of taxes;

H. 104. An act relating to ditches and water courses;

The House have reconsidered these bills, and do not pass the same notwithstanding the objections of the Executive.

Mr. Wheeler introduced a bill entitled

S. 95. An act to repeal section three of an act entitled "An act relating to State taxes;"

Which was read the first and second time, and, under the suspension of the rules, the bill was read the third time and passed.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have considered Senate bills of the following titles:

S. 94. An act to incorporate the Addison County Trust Company;

S. 95. An act to repeal section three of an act entitled "An act relating to State taxes;"

And have passed the same in concurrence.

And have considered Senate bill entitled
S. 69. An act relating to the descent and distribution of
intestate estates ;

And do not concur in the passage thereof.

The House have passed House bill entitled

H. 257. An act to incorporate the Otter Creek Navigation
Company ;

In the passage of which the concurrence of the Senate is
requested.

House bills of the following titles were severally read the
first and second time, and referred, as follows :

H. 232. An act to provide for an inspector of lumber
and shingles, and prescribing his duties ;

H. 242. An act in amendment of chapter ninety-three
of the General Statutes, entitled " Of the observance of the
Sabbath and of disturbing religious meetings ;"

To the General Committee.

H. 241. An act in addition to chapter thirty-four of the
General Statutes, relating to proceedings against trustees ;

To the Committee on the Judiciary.

Mr. Merrill, from the General Committee to whom was
referred House bill entitled

H. 242. An act in amendment of chapter ninety-three
of the General Statutes, entitled " Of the observance of the
Sabbath and of disturbing religious meetings ;"

Reported in favor of its passage ; thereupon the bill was
read the third time.

Mr. Pingry moved to propose to the House to amend in
section one, line one, by inserting after the figures "93,"
the words "*of the General Statutes*"; which was agreed to ;

Thereupon the bill was passed in concurrence, with a pro-
posal of amendment.

Mr. Hutchinson of Orange, from the Committee on Land
Taxes to whom was referred House bill entitled

H. 130. An act laying a tax on the lands in Avery's
and Buel's Gores, in the county of Chittenden ;

Reported in favor of its passage ; thereupon the bill was
read the third time and passed in concurrence.

House bills of the following titles were severally read the
first and second time, and referred, as follows :

H. 218. An act in alteration of chapter eighty-six of the
General Statutes, entitled " Of private corporations ;"

H. 171. An act to incorporate the Mt. Tabor Mineral Spring and Hotel Company ;
To the General Committee.

Mr. Heath moved to reconsider the vote whereby House bill entitled

H. 130. An act laying a tax on the lands in Avery's Gore and Buel's Gore, in the county of Chittenden,

Was passed in concurrence ; which was decided in the negative—yeas 7, nays 18.

Mr. Benedict having demanded the yeas and nays, they were taken, and are as follows :

Those Senators who voted in the affirmative are Messrs.

Benedict,
Farnham,
Green,

Halbert,
Hastings,

Hutchinson of Franklin,
Ladd—7.

Those Senators who voted in the negative are Messrs.

Camp,
Collamer,
Copeland,
Dale,
Dewey of Washington,
Dewey of Windsor,

Elkins,
Hall,
Hastings,
Heath,
Hutchinson of Orange,
Jones,

Merrill,
Nash,
Orvis,
Pingry,
Saxe,
Wheeler—18.

So the Senate refused to reconsider the passage of the bill.

Mr. Copeland, from the Committee on Bills, submitted the following report :

SENATE CHAMBER, Nov. 16, 1869.

To the Honorable Senate now in session :

The Committee on Bills respectfully report that they have duly examined the following entitled bills and have this day presented the same to the Governor for his approval, viz :

S. 27. An act relating to depositions ;

S. 83. An act in addition to an act approved November 19, 1868, relating to teachers' institutes ;

S. 84. An act in amendment of an act approved November 19, 1856, entitled " An act to incorporate the Lyndon Mill Company."

L. COPELAND, for Committee.

Mr. Benedict introduced the following resolution, which was read and unanimously adopted :

Resolved, That the thanks of the Senate are hereby heartily tendered to his Honor, George W. Hendee, for the ability, impartiality and courtesy with which he has discharged his responsible duties as President of the Senate ; and that in the severance of our present relations by the final ad-

jourment of this body, he will carry with him the personal respect and best wishes of every Senator.

Mr. Dewey of Washington submitted a resolution, as follows:

Resolved, That the thanks of the Senate are due and are heartily extended to Henry Clark, Esq., Secretary, for his able, accomplished and efficient performance of the duties of his office during this session;

Which was read and unanimously adopted.

Mr. Hutchinson of Orange, offered the following resolution, which was read and adopted:

Resolved by the Senate now in session, That the thanks of the Senate are due and are heartily extended to Mason B. Carpenter, Assistant Secretary, for his able and efficient performance of the duties of his office during the session.

Mr. Merrill, from the General Committee to whom was referred

H. 171. An act to incorporate the Mt. Tabor Mineral Spring Hotel Company;

Reported adversely to its passage; thereupon the third reading of said bill was refused.

Mr. Merrill, from the General Committee to whom was referred House bills entitled

H. 218. An act in alteration of chapter eighty-six of the General Statutes, entitled "Of private corporations;"

H. 232. An act to provide for an inspector of lumber and shingles, and prescribing his duties;

Reported in favor of their passage; thereupon they were severally read the third time and passed in concurrence.

Mr. Heath, from the Committee on the Judiciary to whom was referred House bill entitled

H. 241. An act in addition to chapter thirty-four of the General Statutes, relating to proceedings against trustees;

Reported in favor of its passage; thereupon the bill was read a third time and passed in concurrence.

A message was received from the House of Representatives, by Mr. Harris, one of their Assistant Clerks, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the Governor has informed the House that he has this day approved and signed bills originating in the House, of the following titles, viz:

H. 174. An act relating to the Normal Schools of this State;

H. 224. An act to provide for the expenses of the Vermont Reform School and for the enlargement of its buildings;

H. 143. An act in amendment of section seven of an act entitled "An act to incorporate the Killington Railroad Company, approved November 19, 1868;"

H. 165. An act to incorporate the Rutland and Bethel Railroad Company;

On motion of Mr. Merrill, the Senate took a recess until nine and one half o'clock.

The President resumed the chair.

On motion of Mr. Hutchinson of Franklin, the Senate took a recess until ten o'clock.

President *pro tempore* in the chair.

A message was received from the House of Representatives, by Mr. Harris, one of their Assistant Clerks, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have considered Senate bill of the following title:

S. 50 An act to incorporate the Alburgh, Plattsburgh and Highgate Steamboat Company;

And have passed the same in concurrence, with proposals of amendment;

In the passage of which the concurrence of the Senate is requested.

The House have considered Senate proposals of amendment to House bills entitled

H. 187. An act to incorporate the Runaway Pond Railroad Company;

H. 242. An act in amendment of section five of chapter ninety-three of the General Statutes, entitled "Of the observance of the Sabbath and disturbing religious meetings;

And have concurred therein.

The House have passed House bills of the following titles, viz:

H. 129. An act regulating mill and other dams;

H. 256. 'An act to empower the persons therein named to improve the Gihon Branch of the Lamoille River ;

In the passage of which the concurrence of the Senate is requested.

The House have considered Senate bills of the following titles :

S. 58. An act to protect fish in Silver Lake ;

S. 93. An act entitled an act in amendment of "An act to incorporate the International Telegraph Company," approved November 16, 1869 ;

S. 89. An act to amend section seven of chapter eighty of the General Statutes, relating to notice of protest of negotiable instruments ;

And have passed the same in concurrence.

House bills of the following titles were severally read the first and second time, and referred, as follows :

H. 256. An act to empower the persons therein named to improve the Gihon branch of the Lamoille River ;

H. 129. An act regulating mill and other dams ;

To the Committee on the Judiciary.

A message from his Excellency, the Governor, by Mr. Marsh, Secretary of Civil and Military Affairs, as follows :

MR. PRESIDENT: I am directed by the Governor to inform the Senate that he has this day approved and signed bills originating in the Senate, of the following titles, viz :

S. 28. An act to incorporate the Island Pond Academy ;

S. 86. An act providing for a view of premises in actions concerning real estate ;

S. 55. An act to encourage manufactures ;

S. 85. An act in amendment of an act entitled " An act to authorize the removal of obstructions from Passumpsic River ;

S. 31. An act in amendment of an act entitled " An act for organizing the militia ;"

S. 50. An act to incorporate the Alburgh, Plattsburgh and Highgate Steamboat Company.

On motion of Mr. Heath, the Senate took a recess until ten o'clock and forty-five minutes.

The President resumed the chair.

A message was received from the House of Representatives, by Mr. Harris, one of their Assistant Clerks, as follows :

MR. PRESIDENT: I am directed to inform the Senate that the House have passed House bill of the following title:

H. 126. An act to incorporate the Wallomsac Railroad Company;

In the passage of which the concurrence of the Senate is requested.

House bill entitled

H. 126. An act to incorporate the Wallomsac Railroad Company,

Was read the first and second time, and referred to the Committee on Railroads.

Mr. Royce asked that leave be granted to the Committee on Railroads to sit during the session of the Senate;

Which was granted.

A message was received from the House of Representatives, by Mr. Harris, one of their Assistant Clerks, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the Governor has informed the House that he has this day approved and signed bills originating in the House, of the following titles, viz.:

H. 130. An act laying a tax on the lands in Avery's Gore and Buel's Gore, in the county of Chittenden;

H. 242. An act in amendment of section five of chapter ninety-three of the General Statutes, entitled "Of the observance of the Sabbath and disturbing religious meetings;"

H. 187. An act to incorporate the Runaway Pond Railroad Company.

Mr. Elkins, from the Committee on bills, submitted the following report:

SENATE CHAMBER, November 16, 1869.

To the Honorable Senate now in session:

The Committee on Bills respectfully report that they have duly examined the following entitled bills, and have this day presented the same to his Excellency, the Governor, for his approval:

S. 58. An act to protect fish in Silver Lake;

S. 89. An act to amend section seven of chapter eighty of the General Statutes, relating to notice of protest of negotiable instruments;

S. 93. An act entitled "An act in amendment of an act to incorporate the International Telegraph Company, approved November 16, 1869."

W. G. ELKINS, for Committee.

Mr. Dewey of Washington in the chair.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the Governor has informed the House that he has this day approved and signed bills originating in the House, of the following titles, viz:

H. 197. An act to incorporate the Caledonia County Trust Company;

H. 78. An act to amend an act entitled "An act relating to flowage;

H. 254. An act to legalize the grand list of the town of Bennington for the year 1868;

H. 240. An act to pay Charles S. Hoyle the sum therein mentioned;

H. 234. An act to legalize the grand list of the town of Guilford;

H. 221. An act relating to the authorization of persons to serve process;

H. 93. An act in amendment of an act entitled "an act to incorporate the Montpelier and Wells River Railroad Company," approved November 6, 1867;

H. 170. An act relating to Library Associations;

H. 172. An act entitled an act for the relief of Gilmore & Brainerd of St. Albans, Vt.;

H. 42. An act in amendment of and in addition to chapter ninety-four of the General Statutes, entitled "Of the traffic in intoxicating drinks;

H. 251. An act relating to the Company for rendering the Connecticut River navigable by Bellows Falls.

House bill entitled

H. 257. An act to incorporate the Otter Creek Navigation Company,

Was read the first and second time, and referred to the General Committee.

A message from his Excellency, the Governor, by Mr. Marsh, Secretary of Civil and Military Affairs, as follows:

MR. PRESIDENT: I am directed by the Governor to inform the Senate that he has this day approved and signed bills originating in the Senate, of the following titles, viz:

S. 58. An act to protect fish in Silver Lake;

S. 93. An act entitled "An act in amendment of an act to incorporate the International Telegraph Company, approved November 16, 1869;

S. 89. An act to amend section seven of chapter eighty of the General Statutes, relating to notice of protest of negotiable instruments.

Mr. Halbert, from the General Committee to whom was referred House bills entitled

H. 257. An act to incorporate the Otter Creek Navigation Company;

Reported in favor of its passage; thereupon the bill was read the third time and passed in concurrence.

Mr. Merrill, from the General Committee to whom was referred House bill entitled

H. 256. An act to empower the persons therein named to improve the Gihon branch of Lamoille River;

Reported in favor of its passage; thereupon the bill was read a third time, and passed in concurrence.

Mr. Copeland, from the Committee on Bills, submitted the following report:

SENATE CHAMBER, November 16, 1869.

To the Honorable Senate now in session:

The Committee on Bills respectfully report that they have duly examined the following bills, and have this day presented the same to the Governor for his approval:

S. 95. An act to repeal section three of an act entitled "An act relating to State taxes;"

S. 94. An act to incorporate the Addison County Trust Company.

L. COPELAND, for Committee.

Mr. Heath, from the Committee on the Judiciary to whom was referred House bill entitled

H. 129. An act regulating mill and other dams;

Reported in favor of its passage; thereupon the bill was read the third time and passed in concurrence.

A message was received from the House of Representatives, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the Governor has informed the House that he has this day approved and signed bills originating in the House, of the following titles, viz:

H. 218. An act in alteration of chapter eighty-six of the General Statutes, entitled "Of private corporations;"

H. 232. An act to provide for an inspector of lumber and shingles, and prescribing his duties;

H. 241. An act in addition to chapter thirty-four of the General Statutes, relating to proceedings against trustees.

On motion of Mr. Hutchinson of Franklin, the Senate took a recess until twelve and one half o'clock, A. M.

The President resumed the chair.

Mr. Royce, from the Committee on Railroads to whom was referred House bills entitled

H. 126. An act to incorporate the Wallomsac Railroad Company;

Reported against its passage; thereupon the engrossment and third reading of said bill was refused.

Mr. Royce moved to reconsider the vote refusing the third reading of said bill, and that the motion to reconsider be

Ordered to lie.

A message from his Excellency, the Governor, by Mr. Marsh, Secretary of Civil and Military Affairs, as follows:

MR. PRESIDENT: I am directed by the Governor to inform the Senate that he has this day approved and signed bills originating in the Senate, of the following titles, viz:

S. 95. An act to repeal section three of an act entitled "An act relating to State taxes;"

S. 94. An act to incorporate the Addison County Trust Company.

A message was received from the House of Representatives, by Mr. Harris, one of their Assistant Clerks, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the Governor has informed the House that he has this day approved and signed bills originating in the House, of the following titles, viz:

H. 257. An act to incorporate the Otter Creek Navigation Company.

A message was received from the House of Representatives, by Mr. Harris, one of their assistant Clerks, as follows:

H. 199. An act relating to the service of process upon managers of railroads in certain cases;

In the passage of which the concurrence of the Senate is requested.

The House have considered Senate proposal of amendment to House bills entitled

H. 46. An act in addition to an act entitled "An act

regulating the change of depots and stations on railways, approved November 19, 1868 ;”

And have adopted the same in concurrence.

On motion of Mr. Collamer, the Senate took a recess until one o'clock and fifteen minutes.

The President resumed the chair.

A message was received from the House of Representatives, by Mr. Harris, one of their Assistant Clerks, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have passed House bills entitled

H. 189. An act to regulate railroad crossings ;

H. 192. An act constituting railroad conductors police officers in certain cases ;

In the passage of which the concurrence of the Senate is requested.

House Bills of the following titles were severally read the first and second time, and referred, as follows :

H. 192. An act constituting railroad conductors police officers in certain cases ;

To the Committee on the Judiciary.

H. 189. An act to regulate railroad crossings ;

To the Committee on Railroads.

A message was received from the House of Representatives, by Mr. Harris, one of their Assistant Clerks, as follows:

MR. PRESIDENT: I am directed to inform the Senate that the House have considered Senate bills of the following titles, viz :

S. 82. An act to extend the charter of the West River Railroad Company ;

S. 91. An act to incorporate the Vermont Horse Stock Company ;

And have passed the same in concurrence.

A message was received from the House of Representatives by Mr. White, their second Assistant Clerk, as follows :

MR. PRESIDENT: I am directed to inform the Senate that the House have considered Senate bill entitled

S. 88. An act to amend the charter of the West Fairlee Railroad Company ;

And have passed the same in concurrence.

A message was received from the House of Representatives, by Mr. Newell, their first Assistant Clerk, as follows :

MR. PRESIDENT: I am directed to inform the Senate that the House have passed House bills of the following titles :

H. 232. An act to provide for an inspector of lumber and shingles, and prescribing his duties ;

H. 171. An act to incorporate the Mt. Tabor Mineral Spring Hotel Company ;

H. 218. An act in alteration of chapter eighty-six of the General Statutes, entitled "Of private corporations."

A message was received from the House, as follows ;

MR. PRESIDENT: I am directed to inform the Senate that the House have considered Senate bills of the following titles :

S. 86. An act providing for a view of premises in actions concerning real estate ;

S. 28. An act to incorporate the Island Pond Academy.

Mr. Copeland, from the Committee on Bills, submitted the following report :

SENATE CHAMBER, Nov. 17, 1869.

To the Honorable Senate now in session :

The Committee on Bills respectfully report that they have duly examined the following bills, and have this day presented the same to the Governor for his approval :

S. 82. An act to extend the charter of the West River Railroad ;

S. 91. An act to incorporate the Vermont Horse Stock Company.

L. COPELAND, for Committee.

Mr. Royce, from the Committee on Railroads to whom was referred a House bill entitled

H. 189. An act to regulate Railroad crossings ;

Reported in favor of its passage ; thereupon the bill was read the third time and passed in concurrence.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows :

MR. PRESIDENT: I am directed to inform the Senate that the House have passed House bills of the following titles :

H. 241. An act in addition to chapter thirty-four of the General Statutes, relating to proceedings against trustees ;

H. 242. An act in amendment of section five of chapter ninety-three of the General Statutes, entitled "Of the observance of the Sabbath and of disturbing religious meetings."

A message was received from the House of Representatives, by Mr. Harris, one of their Assistant Clerks, as follows :

MR. PRESIDENT: I am directed to inform the Senate that

the Governor has informed the House that he has this day approved and signed bills originating in the House, of the following titles, viz :

H. 46. An act regulating the establishment and maintenance of depots and stations on railways ;

H. 129. An act regulating mill and other dams.

House bill entitled

H. 199. An act relating to services of process upon managers of railroads in certain cases,

Was read a first and second time, and referred to the Committee on the Judiciary.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows :

MR. PRESIDENT: I am directed to inform the Senate that the House have considered Senate proposals of amendment to House bill entitled

H. 42. An act in amendment of and in addition to chapter ninety-four of the General Statutes, entitled " Of the traffic in intoxicating drinks ;"

And have concurred therein.

And have considered Senate bill

S. 31. An act in amendment of an act entitled " An act for organizing the militia ;"

And have concurred therein.

Mr. Pingry, from the Committee on the Judiciary to whom was referred House bill entitled

H. 192. An act constituting railroad conductors police officers in certain cases ;

Reported against its passage ; thereupon the third reading of said bill was refused.

Mr. Royce, from the Committee on the Judiciary to whom was referred a bill entitled

H. 199. An act relating to the service of process upon managers of railroads in certain cases ;

Reported against its passage ; thereupon the third reading of the bill was refused.

Mr. Elkins, from the Committee on Bills, submitted the following report :

SENATE CHAMBER, NOV. 17, 1869.

To the Honorable Senate now in session :

The Committee on Bills respectfully report that they have

fully examined the following entitled bill, and have this day presented the same to the Governor for his approval :

S. 88. An act to amend the charter of the West Fairlee Railroad Company.

WM. G. ELKINS, for Committee.

Mr. Pingry introduced the following resolution, which was read and adopted :

Resolved, That the Secretary be directed to inform the House that the Senate has completed the business of the session and is ready to adjourn without day.

Mr. Heath introduced the following resolution, which was read and adopted :

Resolved, That the President of the Senate appoint a Committee consisting of two Senators to inform the Governor that the Senate have completed the business of the session, and inquire if the Governor has any further communication to make.

The President appointed :

Senator Heath of Washington,

“ Farnham of Orange,

as the Committee to wait upon his Excellency, the Governor.

Mr. Heath, from the Committee to wait on his Excellency, the Governor, reported that they had performed the duty assigned them, and that the Governor would, at an early moment, communicate with the Senate by the Secretary of Civil and Military Affairs.

A message was received from the House of Representatives, by Mr. Newell, their First Assistant Clerk, as follows :

MR. PRESIDENT: I am directed by the House of Representatives to inform the Senate that the House have on their part completed the business of the session, and are ready to adjourn without day.

A message from his Excellency, the Governor, by Mr. Marsh, Secretary of Civil and Military Affairs, as follows :

MR. PRESIDENT: I am directed by the Governor to inform the Senate that he has this day approved and signed bills originating in the Senate, of the following titles, viz :

S. 91. An act to incorporate the Vermont Horse Stock Company;

S. 82. An act to extend the charter of the West River Railroad Company;

S. 88. An act to amend the charter of the West Fairlee Railroad Company.

I am also directed by the Governor to inform the Senate that he has received their communication that they have on their part concluded the business of the session, and that he has no further communication to make to them.

Mr. Heath moved that the Senate take a recess until eight o'clock, A. M.;

Which was agreed to.

The President addressed the Senators as follows:

HONORABLE SENATORS: I can not let this occasion pass without saying a word in reference to the expression contained in the resolution just adopted by this body. I am unable to speak in elegant sentences, or in words adapted to parting scenes, but you will allow me the pleasure of saying that if I am entitled to the commendations the resolution contains, and I trust I may be, and my services have merited your approval, I am content. I am very grateful for the aid and courtesy which you and the Secretaries have extended to me during the session, and hope that we separate in the enjoyment of each other's full friendship. The session has been short, and to me, pleasant, and I trust to the commonwealth profitable, and if so, you will have the praise and confidence of an intelligent and upright people. Hoping that in future life we may often meet, and meet as we part, in friendship, and that all will have a safe journey to home circles, I will now put the question on the motion of the Senator from Washington.

The President thereupon declared the Senate at recess until eight o'clock, A. M.

WEDNESDAY, NOVEMBER 17, 1869.

At eight o'clock, A. M., the Secretary declared the Senate adjourned without day.

STATE HOUSE, }
November 17, 1869. }

I hereby certify that the foregoing is a correct record of the annual session of the Senate of Vermont for A. D. 1869.

HENRY CLARK,

Secretary of the Senate.



APPENDIX.



APPENDIX.

REPORT OF FISH COMMISSIONERS.

To his Excellency,

HON. PETER T. WASHBURN :

The Commissioners of River Fisheries made no report last year, for the reason that we had little to report further than that we had attended some of the meetings called by the Secretary of the New England Commissioners, and had learned that an increased interest was being felt in relation to the restocking of the streams of New England with salmon and other migratory fish. In each of the New England States Commissioners have been appointed, and active measures are being taken to have the streams restocked. New York, Pennsylvania, and Canada are also awake to the importance of this subject, commissioners are appointed and are at work. Massachusetts has already appropriated over \$30,000 to defray the expense of introducing migratory fish into her rivers and building fishways, that they may go from the sea to the head waters of the rivers to deposit their spawn.

It is the instinctive trait of migratory fish, like the salmon, to return to their native stream to deposit their spawn, and it is upon this peculiarity that the fish commissioners of the several states found their hopes of success in this enterprise.

Instinct teaches the trout and salmon that they must not make their spawning beds in the sea, in brackish water, or even in the large streams that are liable to be flooded with muddy water, for in none of these conditions will spawn mature and the species be perpetuated, but the clear cold water of our mountain brooks is just what is needed. To these points salmon will go, unless unsurmountable obstacles intervene. These obstacles now exist, and it is only by removing them or building fishways over them, that we can hope for success. This will require funds, and should floods come, like those that recently swept down our mountain streams, it is likely that many of the fishways would be swept away. In order to have the experiments become a success, these fishways must be kept up, especially during the high water in the spring and fall. It would, therefore, not only require funds sufficient to build the fishways at first, but funds must be accessible at all times to make any repairs needed. We are of opinion that it would pay Vermont to make appropriations sufficient to build and maintain fishways in all the principal streams of the state; but while the finances of the state are encumbered with a heavy debt and with the heavy tax that must be raised in many towns to repair the damages made by the late freshets, it

is not reasonable to suppose that the Legislature would appropriate the requisite sum at the present session.

In view, therefore, of this state of things, and in order to secure to our state the great boon of a return of migratory fish to its waters, we propose, that the introduction of sea fish, and the building and maintenance of fishways be entrusted to private enterprise. We believe there are men of means in the state who will make a contribution toward carrying out the experiment. We speak of this as an experiment. It is one, but in other countries it has been tried, apparently under no more favorable circumstances than those afforded in our streams, and the results have been highly successful. Still, in our case, we may be doomed to disappointment and failure. We have already met with reverses that we did not anticipate when we embarked in the enterprise. We have learned that the young salmon is a very tender and inoffensive fish, unable to successfully cope with other fish of equal size. It pained us last summer when we put some young salmon into a tributary of the Winooski river, which we supposed safe from the attacks of destructive fish, to see little minnows and dace, scarcely larger than the young salmon, come out from their hiding places and murderously attack the young fry that we had but a few moments before placed there. Minnows, no longer than the young salmon, would attack the new comers, and in one instance we captured one about two inches long, in which we found four young salmon. This taught us an important lesson, and one that must be observed by those who would succeed in salmon raising, viz: the salmon must be reared, as they are at the fish establishment at Stormontfield, in Scotland, for the Scottish rivers, in ponds by themselves till they are about ready to make their first trip to the ocean. Then a fishway should be made over every dam more than eight feet high, and even those of less height, provided the water falls upon an apron or in any way that does not afford an eddy immediately below the dam.

In order to induce men of means to embark in this enterprise of restocking the streams of the state, there must be an inducement held out. We must not expect men to invest their money without some hope of recompense.

Philanthropists sometimes bequeath a portion of their estate for the upbuilding of a school, or to help sustain some literary or benevolent institution; but these things are not untried experiments in our country like the one of restocking our streams, as we hope to furnish food for the hungry millions that are to follow us. We fully believe the enterprise to be one of the most philanthropic of any now being discussed by the people of New England. If successful, it will not only furnish additional food for the people of New England, but it will furnish just the kind of food that we need for our health and for the perpetuity of our people. Contrast the physical developments of the people of Vermont, whose ancestors were noted for their size and hardihood, with the fish-eating people of Nova Scotia and New Brunswick, and we can but observe the great difference. Our children are becoming dwarfed in size, frail in structure, and for one to reach the age of thirty without having decayed teeth, is an exception, and not the general rule, unless perchance he makes it a rule to eat fish every Friday. If this rule was more strenuously observed, we are of opinion that a greater number would be saved from decayed teeth. Now it is a well known fact that the teeth first to rot are those upon which there is but a slight coating of enamel, or one from which the enamel has been removed by being broken. This enamel is composed mainly of the phosphate of lime.

The elementary substances forming our teeth are taken into our stomachs, and by the wonderful chemical processes carried on in our systems, these elements are formed into compounds—into teeth, bones and muscle. But if the proper elementary substances are not brought into this laboratory, we must not expect perfect compounds to result, for nature does not follow the dream of the alchemist, and hope to bring something out of nothing, or to produce compounds wholly unlike the elementary atoms of which they are composed.

We are of opinion that the reason why so many people in New England have an imperfect enamel upon their teeth, and why so many are troubled with a softening, or losing vitality of their bones, is because they do not eat sufficiently of the food that contains the elements necessary to promote their proper development and strength. In order that the bones be strong, and the enamel be perfect, phosphorus and lime must be taken into the stomach and ultimately be compounded in proper proportions.

We lack the important element of phosphorus in much of our food, as is proved by the scarcity of it in our system. If we had as much of it as the fish-eaters of Nova Scotia, we should not need tooth powders to make our teeth white, nor should we furnish so much work for dentists. But we need not go abroad to find proof to sustain this theory. The sailor and those who subsist mainly on sea fish along our coasts, and even the conscientious Catholics who eat fish on Friday, generally have sounder teeth than the persons who live inland and rarely eat fish from the sea. We think of no food that furnishes so much phosphorus as the fish from the salt water. The ocean seems to be the great repository of this important element. It abounds in such quantity as to occasionally show itself upon the water, and the prow of a boat at times, as it rushes through the water, looks as though it were ploughing through liquid fire. Fish absorb large quantities of this, and oftentimes, as they are piled up and being prepared for market, they emit a phosphorescent light in the dark, almost as bright as coals of fire. Therefore, in our opinion, it is important that we eat more sea fish. We hope to be instrumental in bringing back to our streams the salmon that were so abundant in the days of the early settlement of our state. But we despair of having the state do the work. The next best thing that we can hope to do, is to have the grand result consummated through private munificence. We must solicit the aid of individuals. For the money which they invest, which, at best, cannot be returned to them for years, even with the very best of success, they must have the hope of a reward, besides the consciousness of having done a good thing for posterity. They must have special rights granted to them. In order to do this, we can conceive no better plan than for the Legislature to grant to such Association the exclusive right of taking salmon and other sea fish for a term of years. We think twenty-five years as short a period as capitalists or others will accept; but if this time is granted we think men will be induced to venture in the experiment. At the end of that time, if the work is suffered to go on, the question will probably be settled whether the project is feasible or not. In any event it will cost the state nothing, nor will any mill-owner suffer in consequence of the experiment. If it succeeds, the rivers will be restocked and fishways will be built over the dams, and the projectors of the scheme will be justly classed among the benefactors of their race; but in case it should turn out that our streams cannot again be restocked, the only loss will then fall upon those who contributed to make the experiment, for the streams

and the fish in them will be no worse off than at present. If fishways are built so that trout can go from the mouth to the source of the rivers of the State, it will have the effect to greatly increase their numbers, for they, like the salmon, seek the head waters of rivers in which to make their spawning beds, and unless they can find such a place their ova are generally spoiled by muddy water, or the young fry are gobbled up by other fish as soon as they are hatched.

We would ask for stringent laws to protect the sea fish belonging to this Association, but we would not ask to have any one's rights that they now enjoy abridged, nor would we have any special fishing rights guaranteed to members of the Association, further than to catch the fish which they have helped to introduce into the rivers of the state. They, as well as others, should be deprived the right to catch trout or other fish during the season prohibited by law, and others as well as members of the Association should have the right to fish in all the streams of the State except when prohibited by law, and have the right to take all kinds of fish except those introduced by the Association. Members of the Association, or those authorized by them, should have the exclusive right to fish for sea fish that they have introduced.

We hope that the citizens of the State will unite and raise the funds requisite to carry out the plan contemplated in this report. Unless something of this kind is done, our rivers will remain as barren of fish as they are at present. It is nearly or quite twenty-five years since this question was first agitated in this State. Legislative aid was invoked, but nothing was done toward testing the experiment. Had private contributions and suitable experiments followed the able report submitted, some years since, by Hon. George P. Marsh, it is likely that our rivers to-day would have been stocked with salmon. But reports and legislative resolutions alone do not accomplish the object desired. There must be money and labor expended. With the arrangement contemplated we can see no objection. None will be taxed against their will; and every citizen of the State who desires may help to produce a fund to try the experiment, and if successful will be entitled to a portion of the benefits conferred.

During the past year we have purchased over twenty-five hundred young salmon for the streams of the state. We thought best to place them in two streams, West River and the Winooski, as we considered these good salmon streams, with less dams and impassable falls than in other streams of the state. We put them in with the hope that some measure would be taken this fall to have fishways built.

As before remarked in this report, most of those intended to stock the Winooski were eaten by other fish, and we fear that many of those placed in a small stream in Weston, by Dr. M. C. EDMUNDS, for West River, have met with a similar fate. The flood that suddenly made great streams of little brooks, would of course overleap all barriers made to confine the young fry and suffer them to escape to larger streams, where there would be plenty of larger fish in waiting ready to eat the young salmon. Unless fishways are built, those fish that escaped the many dangers that surrounded them, will never again return to the state. It will be impossible for them to do so.

It was the impassable dams built across the Connecticut river that cut off the great supply of salmon that formerly thronged the Connecticut and its tributaries. Two dams on the Connecticut at present are so high as to be impassable for shad and salmon, one at Holyoke and one at Turner's Falls. The corporation owning the latter are compelled by their charter to build and maintain a fishway over it, and the State of

Massachusetts has already appropriated \$12,000 to build one over the dam at Holyoke. The unsafe condition of the dam at Holyoke, induced the commissioners to postpone their labors on it till the dam was made more secure. A large corps of men have been employed during the past summer in making the repairs, and we understand that the dam is now considered safe, and the work upon the fishway will be commenced at an early day next spring.

We venture to submit a bill with this report, and have taken the liberty, without leave of the parties in some instances, to insert as corporators the names of men in every county in the State with the hope that they will either act in the matter, or induce others to do so.

For the time expended and money paid for expenses during the past two years, in attending meetings of commissioners for other states, and for placing the young salmon in the streams, &c., we make no charge, and only wish our efforts had been more successful.

ALBERT D. HAGER, }
CHARLES BARRETT, } *Commissioners.*

MONTPELIER, VT., Oct. 25th, 1869.

AN ACT TO INCORPORATE THE VERMONT SALMON BREEDING ASSOCIATION.

It is hereby enacted by the General Assembly in the State of Vermont :

SEC. 1. Charles Barrett, Andrew A. Sweet, M. C. Edmunds, O. S. Bliss, Roswell Farnham, James Hutchinson, Jr., Hiel Hollister, Henry Clark, Jonathan Ross, David Hibbard, Hiram A. Cutting, Henry A. Burt, Dugald Stewart, J. D. Bridgman, Robert F. Gowing, Charles Dewey, H. G. Wood, Giles Harrington, N. P. Bowman, D. M. Camp, H. H. Powers, Albert D. Hager, and their associates and successors, are hereby constituted a corporation and body politic, by the name of the "Vermont Salmon Breeding Association," for the purpose of breeding, catching, buying and selling salmon, shad and other sea fish; and by that name may sue and be sued; may have a common seal and the same alter at pleasure; may purchase, hold and convey real estate and fishing rights as contemplated in this act, and may enjoy all the privileges incident to corporations.

SEC. 2. The first meeting of this association shall be holden at such time and place as the said Charles Barrett and Albert D. Hager shall designate by publication in two or more of the newspapers in the State, together with written notice, to each of the corporators named in this act, and at such meeting, and at all subsequent meetings of which the stockholders shall have had due notice, said corporation may fix the amount of its capital stock, divide it into shares, and provide for the transfer thereof, and also make, alter or repeal such by-laws, rules and regulations as a majority vote shall determine, allowing one vote to each share of stock, either in person or by proxy; provided such action is not repugnant to the laws of this State or the United States; and provided further, that any citizen of the State may become a member of this association by signing its constitution and conforming to its by-laws.

SEC. 3. Said corporation shall not contract debts or incur liabilities, at any time, exceeding in amount three-fourths of its entire capital stock

actually paid in, and if such indebtedness or liability shall exceed that amount, the stockholders and directors shall be personally holden to the creditors for such excess.

SEC. 4. In consideration of the expense that must be incurred to restock the rivers of this State and build fishways therein, the said corporation, or those lawfully acting under it, are hereby granted the exclusive right of taking salmon, shad and other sea fish from each river or other body of water in, or bordering upon, the state, for the term of twenty-five years from the time of the introduction of salmon, shad or other sea fish into such stream or other body of water, to the exclusion of all other persons.

SEC. 5. This corporation shall have right to construct fishways over all falls or dams in the rivers of this State, but shall pay full damages to each mill-owner, or other person or persons, who may be damaged by the construction or maintenance of such fishways, and in case the parties in interest cannot agree upon the amount of damages, it shall be determined by three commissioners, appointed by the county court of the county in which such fishway is located, and the decision of such commissioners shall be final.

SEC. 6. If any person or persons shall maliciously damage the interests of this corporation, by placing obstructions, or poisonous substances, in the streams, injuring or destroying the spawning beds, or in any way preventing the fish from ascending the fishways or remaining upon their spawning beds, such person or persons shall be liable for the private damages sustained by the owners of the fishing rights; and also liable to a fine of not less than five dollars nor more than one hundred dollars, payable to the treasurer of the town in which the offence was committed, or imprisonment in the county jail for a term not less than one month, or both penalties, in the discretion of the court.

SEC. 7. Any person violating section four of this act, by catching or maliciously killing salmon, shad or other sea fish within the time specified in said section, shall be liable to a fine, payable to the corporation, or those acting under it, of not less than twenty dollars and costs of prosecution, for each fish so taken or killed; provided, the same be intentionally and maliciously caught, destroyed or carried away.

SEC. 8. Members of this corporation and those acting under their authority, may at any and all times, take shad, salmon or other sea fish, as regulated by the by-laws of the corporation, but in case any member or member thereof shall intentionally kill, destroy or carry away any other fish specially protected by law, he or they shall be subject to the same penalties and liable to the same fines imposed upon others who have no fishing rights in said waters.

SEC. 9. Sections seven and eight of this act shall be so construed as not to affect any person or persons who shall unintentionally or accidentally and without malice, catch a fish protected by law; *provided* such person or persons shall carefully and forthwith return the same to the water and leave it there, but, if on the contrary, he or they do not return it to the water from whence it was taken, but carries it away for sale, or to be eaten, then he or they shall be deemed guilty of violating the law, and shall be punished accordingly.

SEC. 10. When the exclusive rights of fishing for salmon, shad and other sea fish, shall have been enjoyed, according to the provisions of this act, for the full term of twenty-five years, then such rights shall cease, and all the fishways and fishing rights shall revert to the State as common property.

SEC. 11. This act shall take effect from its passage.

AN ACT DIRECTING THE GOVERNOR TO APPOINT A COMMITTEE TO INVESTIGATE THE MATTER OF CHANGING THE SITE OF THE STATE PRISON.

It is hereby enacted by the General Assembly of the State of Vermont :

SEC. 1. The Governor of the State of Vermont is hereby authorized and directed to appoint a committee of five persons, who are to proceed to the town of Isle La Mott, in Grand Isle county, and any other town or towns in the state, in their discretion, prior to Oct. 1st, 1870, to make such examination and investigation as they shall deem necessary, to enable them to report to the next session of the legislature, whether in their opinion, it would be for the benefit of the state to build a state prison in said town of Isle La Mott, or in any other town in the state, and discontinue the use of the state prison at Windsor.

SEC. 2. The committee so appointed shall make an examination of the state prison at Windsor, and of the manner in which it is conducted, and embrace the result of such investigation in their report.

REPORT OF SPECIAL COMMITTEE.

And your Committee beg leave to submit the following special report of facts and conclusions in relation to the same:

Your Committee find that this bill is identical with a bill introduced into the Senate of this State, at its last session, viz: Senate bill No. 36. That at that session a special committee was appointed upon said bill, who made a special report, which we have examined, and having found the facts and statistics therein stated to be correct, and also concurring in the conclusions therein contained, we embody the material part thereof as a part of this report, as follows:

"Your Committee find that the Prison, from the year 1809 to this time, being sixty years, has cost the State \$213,712.00 in excess of its receipts—as exhibited by the Auditor's Reports for each year of that period. This sum does not include Directors' salaries and some contingent items of expense, which have averaged about \$300 per annum, and amounting in the aggregate to \$18,000.00. We thus find that the total excess of expenditures over income for sixty years is \$231,712.00—being \$3,851.00 per annum. During this period we find that the average number of convicts has been sixty-five per year, and that the average loss to the State on each convict has been \$60 per annum.

"Your Committee have deemed it proper, in view of the facts herein presented, to make an examination, as far as practicable, of documentary reports relating to similar institutions in other States, for the purpose of instituting a just and instructive comparison between the pecuniary affairs of our Prison and that exhibited by others. We have, however, been unable to extend our investigation as far as was desirable, for want of time and our inability to procure the requisite information,

statistical and otherwise, bearing upon the subject under consideration. We therefore present the fullest statement of material facts we have been able to gather concerning one of the prisons in the State of New York, without endeavoring to enlarge our field of investigation.

"The pecuniary condition of the Auburn (N. Y.) Prison for the year 1865, is given, as follows: The receipts for labor were \$119,312.74. The expenditures for the same time exclusive of Officers' salaries and some minor items of expense, were \$67,738.13. The Officers' salaries, &c., amounting to \$36,140.57—making the total expenditure \$103,878.70. It will thus appear that the income of the Prison exceeded its expenditures by \$15,434.04. The number of convicts was about 700. Hence we find that each convict earned the State \$22.04 in excess of the cost of his keeping, and if we embrace only the ordinary expenses of the Prison in the statement, excluding the salaries of Officers, &c., this leaves a balance in favor of the State of \$73.67 for each convict.

"The other two prisons in the State of New York are not self-sustaining, if we include the salaries paid to their Officers in the aggregate expenditures, though the aggregate amount of their receipts, excluding Officers' salaries, exceed the expenditures by \$58,740.91.

"Having substantially reviewed the pecuniary condition of the prisons of New York, we now present the following exhibit of the financial affairs of our State Prison for the fiscal year ending August 31, 1868. The expenditures for that year were \$7,464.73, not including Officers' salaries, which amounted to \$4,754.75, making the total expenditures \$12,219.48. The income of the Prison for the same period was \$6,806.06, leaving a balance of expenditures over receipts of \$6,413.41, or, excluding Officers' salaries, of \$1,685.66, or about \$25 for each convict. For the past four years the expenditures have been gradually increasing, and have averaged nearly \$7,000 per annum in excess of income.

"The foregoing exhibit of our Prison accounts appears sufficient to demonstrate the necessity of adopting some plan which will ultimately afford the desired relief to the State.

"In respect to the specific causes which have produced this unprecedented drain upon the Treasury of the State, your Committee would suggest that, in their opinion, the 'contract system,' so called, has operated adversely to the interests of the Prison, and, judging by the infallible tests of experience, the system now in force of letting out convict labor to contractors upon any terms, however favorable, is subject to serious objections. The efforts which have been persistently made to promote various kinds of mechanical business by convict labor by farming them out to contractors, has no doubt resulted in a serious loss to the State. Nearly the same results have followed when any of the different branches of mechanical industry have been carried on within the Prison under the management of superintendents. The unskilfulness of a greater portion of the convicts manifested in the performance of such labor brings them into unfavorable competition with the skilled labor of the country at large; and as the stock employed, and the products manufactured, are constantly subject to fluctuations in their value, we cannot resist the conclusion that this plan can never be depended upon as a means of rendering the Prison self-sustaining.

"Thus far, as the facts and statistics already presented, abundantly show, the whole system has proved, in the highest degree, unremunerative and a decided failure in every respect; and we deem it proper to suggest that in order that the labor of the convicts may become success-

fully utilized by the State, that the prisoners should generally be employed on material that costs but little, and at labor that requires but ordinary skill.

"There also appears to your Committee to be another objectionable feature in the 'contract system' which is too important to be lightly considered.' The best authorities who have given the subject a close and candid examination, agree that this system seriously interferes with prison discipline; and in some States the system has been discontinued mainly on that account. There is evidence enough to show from the medical and other competent authority of prisons in which the 'contract system' has been adopted, that it is not only unreasonable, severe and debasing to the convicts, but that it also obstructs the preservation and enforcement of the discipline which is essential to the proper administration of the prison government. Unless an uniform system of discipline for the convicts can be maintained, it is clearly evident that the natural and salutary purposes of imprisonment for crime, in promoting the moral and social reformation of the convicts, will be much impeded, if not rendered wholly abortive. Your Committee are therefore led to believe that one of the inherent defects of the 'contract system' amounts to a practical defeat of the avowed object of punitive laws, and of the legitimate rules of prison discipline. The system of contracting the labor of convicts has had a thorough trial in our Prison for a period of nineteen years last past, and after due examination, the result seems convincing that it is no longer worthy of the extraordinary support it has received.

"Your Committee have extended their inquiries as far as they deemed expedient to the more definite object contemplated in the bill under consideration: viz. changing the site of the State Prison.

"Upon this subject your Committee express no opinion further than that the plan proposed by the bill, for an investigation of the matter therein referred to, is probably as advantageous as any that can be devised for securing an impartial and judicious examination of the material interests involved. Your Committee do not, however, hesitate to express as their opinion, that the condition of the Prison, in respect to its pecuniary affairs, is a matter for the most careful and serious consideration, and that the best interests of the State demand that the whole subject should receive the earliest practical inquiry.

"With reference to the location mentioned in the bill as a probable site for the Prison, in case a removal should finally be effected, your Committee express no opinion, as the relative advantages possessed by any one place over another for the purpose named, does not properly come within the province of their investigation to determine. We have, however, obtained some testimony relating to this matter which we deem reliable, and which we herewith submit.

"There are extensive marble quarries at Isle La Mott which are not covered with earth, and consequently no expense is required for opening them for use. The stone from these quarries is used for buildings, for hearths, tile for flooring, for monuments and for various other purposes. It is claimed that *ordinary workmen* can earn for the owner of the quarry from one to three dollars per day in getting out the various grades of stone, in excess of his board and necessary expenses. In this connection and with a view of exhibiting the nature and extent of one of the Isle La Mott marble quarries, we present the following extract from a letter written in 1847 by that eminent geologist, the late Pro-

fessor Zadock Thompson, in answer to an inquiry addressed to him upon this particular matter. Prof. Thompson writes:

"I have several times visited the quarry and have given it a pretty careful examination, and if it be the object to employ convicts in quarrying and hammering stones, I think it has advantages over any quarry with which I am acquainted, as a location for a State Prison. The stone is of excellent quality and may be quarried in blocks of almost any shape or dimensions. The quarry lies immediately upon the lake shore, where there is a good landing, and it presents a breast for quarrying of about forty feet in height above the level of the lake. The strata have a slight dip to the Northeast, or inland, but still I think ten acres might be enclosed in a prison yard, which would furnish a perpendicular thickness of rock above the lake of thirty-three feet. That thickness would yield 1,437,480 cubic feet of stone to each acre, and the ten acres would furnish 14,374,800 cubic feet, which, at 100,000 feet per annum would last about 144 years. The stone of the quarry would be suitable for the walls of the prison and yard and for making the lime, and a few rods North of the quarry is a plenty of sand suitable for mortar."

"There are also very extensive marble quarries at Rutland and in many other towns in the State. There is a large and valuable granite quarry in the town of Barre, which is not covered with earth and from which a large amount of stone is being taken for general building purposes and for monuments."

"Finally, your Committee content themselves with the general statement, that if the site of the Prison shall be changed, its location should be determined only after a thorough and impartial examination of the advantages possessed by each and every place respectively; so that the institution, in case of its removal, may be made self-sustaining beyond all possibility of failure, and thus relieve the State thereafter from any further expense for its maintenance."

Your Committee find, upon examination of the Report of the State Prison Directors for the year 1869, that the expenditures exceed the income by six thousand two hundred and ninety seven dollars, which will increase the average expense per annum, as stated in the report of last year.

Your Committee will add that the quarries in the town of Barre are inexhaustible in quantity and of the finest quality in the country. Large exports of the granite are yearly made to all parts of the country for monuments and general building purposes. It commands the highest price in all markets to which it is carried. The quarries are very favorably located and can be worked to great advantage.

All which is respectfully submitted,

JED. P. LADD, *for maj. of Committee.*

AN ACT TO INCORPORATE THE UNION TRUST COMPANY.

Reported from the Committee on Banks, as a substitute bill, entitled
S. 92. An Act to incorporate the Union Trust Company.

It is hereby enacted by the General Assembly of the State of Vermont :

SEC. 1. The subscribers to the capital stock of the corporation hereby established, and their successors and assigns, are constituted a corporation and body politic, by the name of Union Trust Company; and by that name may sue and be sued, have a common seal, and the same alter at pleasure, and may purchase and hold real and personal estate for their own use, and such real and personal estate as may be received in the collection of debts, and may sell and convey the same, and shall have and enjoy all the privileges incident to corporations; and said trust company shall be established in the town of Burlington, in the county of Chittenden.

SEC. 2. The capital stock of said corporation shall be one hundred thousand dollars, with the power to increase the same to an amount not exceeding three hundred thousand dollars, which shall be divided into shares of one hundred dollars each.

SEC. 3. The books for receiving subscriptions for shares in said corporation shall be opened at Burlington, county of Chittenden, within six months after the passage of this act, notice of which opening shall be published in all the newspapers printed in the county of Chittenden, three weeks in succession, the last of which shall not be more than two weeks previous to the day fixed by the commissioners, and said notice shall be signed by a majority of said commissioners, under the direction of A. L. Catlin, V. P. Noyes, Jo. D. Hatch, Nath'l Parker, and S. Huntington, all of Burlington, or a majority of them, who are hereby appointed commissioners for that purpose, and who shall be sworn to a faithful discharge of their duty; and such books shall continue open from ten o'clock A. M. till four o'clock P. M., each day, Sundays excepted, for the space of ten days and thereafter, until one thousand shares shall be subscribed; and the subscribers shall at the time of subscribing deposit with the commissioners ten dollars on each share by them subscribed. The said commissioners, in case more than the whole amount of capital stock is subscribed, shall allot and distribute the same among the subscribers by deducting the excess from those subscribing the greatest number of shares, thus making subscriptions equal, as far as may be without dividing shares, in such manner as they may deem most for the interest of all concerned; and if there shall be any increase of the capital stock of the said corporation, as herein provided, the said increase shall be divided among the then stockholders, *pro rata*, if they will accept the same, and in case the whole of such increase is not thus distributed, the surplus may be divided among the then stockholders of said corporation, who will receive and pay the same in proportion to the amount of stock held by them, or in such other manner as the board of directors shall determine.

SEC. 4. Said commissioners shall, upon the whole amount of stock

being subscribed for, or as soon after as they shall think proper, not exceeding sixty days, call a meeting of the stockholders of said corporation, at such place in Burlington as they shall think proper, by publishing a notice thereof, signed by a majority of them, in one or more newspapers printed in the county of Chittenden, three weeks successively, previous to such meeting, for the purpose of electing seven directors of said corporation; and said commissioners shall deliver to said directors of said corporation, when elected and within ten days after they shall enter upon the duties of their office, a list of all the names of persons entitled to shares in said corporation, and the number of shares to which each is entitled, and the sum by each deposited with them; also the moneys received by them on deposit on said shares, which list said directors shall cause to be recorded in the books of said corporation, and thereupon issue certificates to such subscribers for their stock.

SEC. 5. Every stockholder shall be entitled to one vote for directors for every share of capital stock standing in his or her name on the books of the corporation.

SEC. 6. The corporation shall not commence business until at least twenty-five per cent. of the whole capital stock shall have been paid into said corporation. After the shares shall have been distributed and allotted, each stockholder shall pay the whole amount remaining due on the shares so held by him at such time or times, as the board of directors shall appoint, of which at least ten days notice shall be given to each subscriber, by mail, and publishing the same in some newspaper printed in Burlington; and the shares of each stockholder omitting to make such payment, shall be forfeited, together with all previous payments made thereon; provided, that there shall be at least twenty-five thousand dollars of the capital stock paid in yearly, until the whole one hundred thousand shall have been paid in.

SEC. 7. All the business of said corporation shall be managed by said seven directors, a majority of whom shall constitute a quorum for the transaction of business, who shall be stockholders in said corporation, each to the amount of one thousand dollars, and inhabitants of this State, and shall hold their office until the second Tuesday of January after their appointment, and until their successors are appointed and qualified; and shall be elected annually, after their first election, at such time and place as a majority of the directors for the time being shall direct, public notice whereof shall be given by publication of the same in a newspaper printed in said county of Chittenden, for the space of four weeks next previous to such election; and all such elections shall be made by ballot, by the stockholders of said corporation, who shall be present in person or by proxy, and the several persons who shall receive the greatest number of votes at each election shall be directors; and if any two or more persons shall receive an equal number of votes, so that more than seven persons shall, by a plurality of votes, appear to be elected, the stockholders shall proceed to ballot a second time, and by a plurality of votes determine which of said persons, so having an equal number of votes, shall be directors; and in case any vacancy shall happen by death, resignation, or otherwise, the vacancy shall be filled from among the stockholders, by a majority of the remaining directors. After their election, the directors shall elect from their number a president and vice president, and such other officers as they may deem necessary. The said directors shall be liable to the creditors and stockholders of said corporation for any loss which may be sustained in consequence of any incompetency, unfaithfulness, or remissness in the dis-

charge of their official duties hereinbefore or hereinafter prescribed, and any number of such directors may be sued in the same action by any claimant under these provisions.

SEC. 8. If the election of directors shall not be made on the day herein prescribed, said corporation shall not be thereby dissolved, but a meeting for the election of directors may be held on any other day, under such regulations as shall be prescribed by the by-laws of the corporation.

SEC. 9. The shares in said corporation shall be transferred only in such manner and under such regulations, as shall be prescribed by the by-laws of the corporation; provided, no transfer shall be valid until recorded by the cashier, and in his absence by one of the directors, in a book for that purpose, nor until the person making the same shall have previously discharged all debts and liabilities due from him to said corporation.

SEC. 10. The corporation hereby created shall have power:

First, To receive moneys on deposit or in trust, at such rate of interest or on such terms as may be agreed upon, the rate of interest to be allowed for deposits not exceeding the legal rates.

Second, To accept and execute all such trusts, of every description, not inconsistent with the laws of this State, as may be committed to them by any person or persons whomsoever, or by any corporation, or by order of the Supreme Court, probate court, or other court of record of this State.

Third, To take and accept, by grant, assignment, transfer, devise or bequest, and hold any real or personal estate on trusts created in accordance with the laws of this State, and execute such legal trusts on such terms as may be declared, established or agreed upon in regard thereto, and in case no terms are declared, established or agreed upon, then the trust property is only to be invested as provided by the terms of this act.

Fourth, To accept from and execute trusts for married women, in respect to their separate property, whether real or personal, and act as agents for them in the management of such property.

Fifth, To accept deposits where public officers or municipal or private corporations are authorized or required by law to deposit money in bank, and such deposits may be made by such officers or corporations with the said Union Trust Company.

SEC. 11. The directors of said corporation may make such by-laws and regulations as they may deem necessary and proper, not inconsistent with this act, or the laws of this State.

SEC. 12. Any trust property confided to said corporation shall be invested only according to the terms of the trust.

SEC. 13. The corporation shall be allowed as compensation for the care of trust property, the investment and collection of the same, and for other services rendered in the execution of each trust, such sum as shall be agreed upon, and in the absence of any agreement, such compensation as is fixed by the by-laws or regulations of said company, in force at the time such request is created.

SEC. 14. The directors and other officers of said corporation may at their discretion pay to any minor or married woman, such sum as may have been deposited by him or her, and may be due to him or her, the same as if such minor was of age, and such married woman unmarried; and the check-receipt or acquittance of such minor or married woman shall be a full discharge for the amount for which it is given.

SEC. 15. Where no special direction or agreement is made by those making deposits, or leaving trust property with said corporation, as to the character of the investments thereof to be made, such investments shall be made by said corporation only as follows:

In the purchase of stocks or bonds of the United States, bonds of any of the states of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, or New York—or bonds of any of the towns or cities in the states of Maine, New Hampshire, Vermont, Massachusetts, Connecticut or Rhode Island—or in loans secured by any of the said bonds named in this section, or by a first mortgage on unencumbered real estate in this State, at one-half its value, or secured by bank stock, at two-thirds its value; provided that no bank stock shall be taken as collateral security for any loan, unless accompanied by a certificate from the cashier or president of such bank, that such stock is free from any lien in favor of such bank or any person.

SEC. 16. No loan shall be made directly or indirectly to any director or officer or employee of said corporation, and for any violation of this section, the director or officer making the same, shall be liable to the corporation for the amount so loaned.

SEC. 17. Said corporation shall be liable at all events, the act of God and the public enemies only excepted, for all deposits, and for the safe keeping of all bonds and other securities received by said corporation in trust; provided, that in case of the dissolution of said company, by act of law or otherwise, the debts due from said company, incurred by deposits in favor of minors, insane persons, or married women,—such deposit having been made for married women in their own right,—shall have a preference and be satisfied before any other debts due from said corporation are paid.

SEC. 18. This act shall not be construed to confer on said corporation any right or power to make any contract, or to accept or execute any trust whatever, which it would not be lawful for any individual, under the general rules of law, which are or shall be in force, to make, accept, or execute.

SEC. 19. This corporation shall be subject to all the provisions of sections twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, of chapter eighty-six of the General Statutes, relating to private corporations, savings banks, or other moneyed corporations.

SEC. 20. If at any time the capital stock paid into said corporation shall be impaired by losses or otherwise, the directors shall forthwith repair the same by assessment; and no dividends shall be made or declared upon the capital stock of said corporation until the same are actually earned and realized over and above all losses and expenses.

SEC. 21. Any president, director, or other officer of said corporation, who shall misapply or divert the moneys, funds, or other trust property, confided to and accepted by said corporation, from the purposes and objects prescribed by this act, or who shall participate in such misapplication or diversion, shall, on conviction thereof, be punished by imprisonment in the State Prison, not to exceed five years, and be fined not to exceed one thousand dollars, or either of said punishments, in the discretion of the court.

SEC. 22. The Legislature shall have power, at any time hereafter, to repeal, alter or modify this act, or any of its provisions.

SEC. 23. This act shall take effect from its passage.

MEMORIAL OF THE CLERGY AND LAITY OF THE PROTESTANT EPISCOPAL CHURCH IN VERMONT, PRAYING FOR A MODIFICATION OF THE LAWS RELATING TO DIVORCE.

To the Honorable the Legislature of the State of Vermont :

The undersigned, Clergymen and Laymen of the Protestant Episcopal Church and members of the Convention of the Diocese of Vermont, held at Rutland, on the 2d and 3d days of June, A.D. 1869, do herewith respectfully memorialize and petition the honorable Legislature of the State of Vermont, as follows :

In view (1st) of the alarming frequency and increase of libels of Divorce, sought for and granted in the State of Vermont during the past five years, as shown by the recent reports of the Registrar of the State ; by which the number of Divorces is to the number of marriages as *one to nineteen* ; and by which it appears that to every *thirty-eight* persons married during the last five years, *two* persons are concerned in a divorce ; and by which it appears that there has been granted at the rate of one divorce to every *two hundred and sixty-six* marriageable persons :

In view (2d) of the fact that the statute law lays down, on the one hand, before marriage, *only* a list of the forbidden degrees, the age which the parties must have reached, and the titles of those qualified to solemnize the marriage ; and on the other hand, after marriage provides full facilities for dissolving the tie upon various pleas allowing re-marriage in every case :

In view (3d) of the opportunity afforded by the Law of Divorce, and the practice under it, to *successive* polygamy ; by which a man may have a *succession* of wives, and a woman a *succession* of husbands, without limit of number, and all at the same time living in the community :

In view (4th) of the Christian Law laid down in the Holy Gospels,* by which the tie of marriage is pronounced to be indissoluble except for one cause only ; and by which except for this cause, to put away a wife and marry another, or to put away a husband and marry another, or for a third party to marry the one put away, is distinctly condemned as a breach of the seventh commandment :

In view (5th) of the imminent danger which threatens the domestic morals of the community, whenever the sanctity of the family is invaded, and the durability of the marriage bond impaired ; danger that marriage be held in low esteem as an affair of convenience, no longer binding them ; the capricious will of either party may direct ; danger of moral evil, scandal, domestic strife, immodesty and debauchery ; danger that the springs of virtue in the people be poisoned, and that premature decay and corruption sap the foundations of the State :

In view, finally, of all these considerations, we respectfully pray your honorable body to take such measures as in your wisdom seemeth best : 1st, to reiterate the Law of Divorce upon such a basis as to distinguish

* St. Mark x. 3-12 ; St. Luke xvi. 18 ; St. Matt. xix. 2-9 ; St. Matt. v. 31, 32.

between legal separation and absolute divorce, and to grant absolute divorce with liberty to marry again *only* in cases of well proved connubial infidelity; 2d, to increase the penalties for the crime of adultery; 3d, to invest the Law of Marriage with such precautions and protective formalities as to dignify and ennoble it in the sight of the people, without obstructing the marriage of any honest citizen whatever his station; and at the same time to protect the community, so far as practicable, against the misfortunes of ill-judged, hasty, clandestine, and criminal marriages; 4th, so to identify, by license or otherwise, the parties seeking marriage as to guard the rights of parents and to protect the officiating minister from imposition at the hands of designing persons, and from becoming unwittingly an instrument for solemnizing clandestine or criminal unions.

With a profound sense of the importance of this subject, and believing that in involves, through the family, the best and truest interests of the State, your petitioners respectfully commit the whole matter into your hands.

MALCOLM DOUGLASS, I. NEWTON FAIRBANKS, H. CANFIELD, GEORGE NICHOLS,	}	Committee.
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Rutland, June 3, 1869.

Upon presentation of the foregoing report the following resolution was unanimously adopted by the Convention:

Resolved, That the report of the Committee on the Canon on Divorce now submitted, be accepted and adopted by this Convention, and that it be signed by the President and Secretary of the Convention in behalf of the Clergy and Lay Delegates, and presented together with their resolution to the Legislature at the next session by a Committee consisting of the Hon. R. Richardson, Hon. Harmon Canfield, and the Hon. Charles Dewey.

In behalf of the Clergy and Lay Delegates, and by order of the Convention, the undesigned have caused their signatures to be attached.

W. H. A. BISSELL,
President of the Convention.

THOMAS H. CANFIELD, *Secretary.*

BURLINGTON, June 4, 1869.

This certifies that the foregoing Report and Resolution were unanimously adopted openly by the Convention of the Protestant Episcopal Church in the Diocese of Vermont, holden at Trinity Church, Rutland, on the second and third days of June, 1869.

THOMAS H. CANFIELD,
Secretary of the Convention.

REPORT OF THE JOINT COMMITTEE ON THE REFORM SCHOOL.

To the House of Representatives now in session :

Your Committee to visit the Reform School would respectfully report that on Friday, the 6th instant, they visited that institution and made a careful examination of the farm, buildings, school and its general management.

During the last year no new buildings have been erected, but many and valuable improvements in the house and grounds have been contemplated or are in process of completion ; among these improvements we would mention the very cheap and convenient arrangement for conducting water to all the principal rooms in the house by means of pipes, and for supplying a large square tank with warm, fresh water in which the boys bathe and wash themselves every Saturday. The grounds have been graded and already begin to hint that artistic beauty will soon adorn the home of the unfortunate.

We found the institution a model of neatness, thrift and industry. Some of the boys were at work on the farm, some cleaning the kitchen and chambers, others making coats and pants, but the most of them were at work in the shop, bottoming chairs.

The farm, under the skilful management of Mr. Hatch, has yielded a more bountiful harvest than ever before ; and we were pleased to learn that he and Mr. Fairbank both contemplated cultivating roots, strawberries and other crops that require more labor but less land, and in the cultivation of which the nimble fingers of boys can be turned to much profit. All fertilizers are very carefully saved, but we very much regret that when the barns were moved they were not placed so as to allow the construction of a manure cellar beneath, as they might have been with very little additional cost.

The boys number seventy-seven,—an increase of seventeen over last year. They work six hours and study four, each day, with frequent intermissions for out door play and exercise. We found only one in the hospital, and as far as we could judge, they are carefully and tenderly cared for. They sleep in cots, one framed about three feet above the other, and only about two feet wide, which in our opinion is too narrow for warmth and comfort, and we would therefore suggest that some change be made in their sleeping accommodations.

In the shop, under the care of the very pleasant and active assistant superintendent, the work goes quietly and briskly on, so that the earnings are about twelve dollars per day. It can hardly be expected that such a school of boys can be made self-supporting ; in fact, the object of the institution is not the improvement of our State finances, but of the physical and moral condition of the boys. Reared in ignorance, and collected by reason of their vices, they afford the roughest and crudest material for intellectual and moral training ; yet their recitations evinced thorough culture and perfect mastery of the studies pursued.

For order, decorum and system, the school is an example worthy of the imitation of every district school in the State. Miss Burnham, the able and accomplished teacher, seems to appreciate the importance of

her charge and strives to "magnify her office." How so much has been accomplished with seventy-seven scholars under her charge only four hours in the day, is truly wonderful. The Committee would suggest that seventy-seven scholars require to be graded into two departments, and placed under two accomplished instructors.

In the opinion of your Committee, the time has come when the State of Vermont should remove the band of probation from this reformatory and humane institution, and adopt it as one of her permanent and cherished agencies for correcting and redeeming her fallen children.

Compare the money invested at Windsor with the few thousand dollars invested at Waterbury. At Windsor there are seventy-five men who work all the time and receive no instruction, and they have cost the State in round numbers during the last year, six thousand three hundred dollars; while at Waterbury, there are seventy-seven boys, who receive four hours' instruction each day, and whose earnings must be much less, and they have cost the State during the last year only four thousand seven hundred dollars, with a fair prospect of a much smaller deficiency when the institution shall be well organized. Your Committee therefore do not hesitate to recommend that the shop and school-room be sufficiently enlarged to accommodate one hundred boys; that such additions be made to the house as will afford two or three spare rooms for the trustees and other visitors, and that a building be erected in the play-ground for the use of the boys when the weather is too inclement for exercise in the open air.

Your Committee were highly pleased with the easy and dignified bearing of Mrs. M. E. Fairbank. She seemed to be perfectly familiar with just such kitchen work as our mothers were accustomed to perform, and in our judgment she is in every way qualified to exercise a kind and motherly care over those who need most the restraining influence of a mother's tenderness and love.

Mr. Fairbank, the superintendent, seems to be in all respects the right man in the right place. With several years' experience in the Massachusetts Reform School, he comes among us a ripe scholar, an active, energetic young man, and a perfect master of the high vocation to which he seems so much devoted. His position calls into constant exercise the highest and noblest gifts of man: great knowledge of human nature, with skill to touch its secret springs, and an undying faith in the power of precept and principle to reform and elevate the most depraved sons of ignorance and vice. Let us then co-operate with him in this great and good work, with our funds, our sympathies and our prayers.

GEO. A. MERRILL,	} Committee on the part of the Senate.
GEO. N. DALE,	
ASA R. CAMP,	

P. R. GLEED,	} Committee on the part of the House.
H. R. JONES,	
JOHN BIGELOW,	
ROYAL D. HEDDEN,	
F. E. ORMSBY,	

VETO MESSAGE OF SENATE BILL NO. 40, RELATING TO
THE GRAND LIST.

STATE OF VERMONT,

Executive Chamber, Montpelier, Nov. 15, 1869. }

To the President of the Senate :

SIR: I return herewith to the Senate, without my approval, a bill originating in the Senate, entitled "An act in addition to chapter eighty-three of the General Statutes, entitled 'Of the grand list.'"

This bill provides, that if the owner of stock in any bank, &c., shall remove from one town to another town in this State, and shall omit, on or before the sixth day of the next April, to give notice to the cashier of the bank of his removal, "it shall be the duty" of the listers of the town from which he removed to set his stock in the grand list of that town, and such person is made liable to pay all taxes, which shall be assessed upon it in that town. It makes no provision, in terms, for the case where the fact of the removal is known to the cashier in some other way, and he gives to the town clerk of the town, to which the person has removed, the notice required by section forty-two of chapter sixty-one of the General Statutes, but requires absolutely, that if the taxpayer shall *himself* omit to give to the cashier notice of his removal, he shall be taxed for his stock in the town from which he removed, even though no return of his stock is made by the cashier to that town; and it leaves it entirely uncertain, whether, if the taxpayer omit to give the notice required of him, but the cashier ascertains the fact of removal otherwise, and makes return of the stock to the town to which such person has removed, he shall thereupon be taxed in both towns, or only in the town in which he does not reside, and not in the town where he does reside. If double taxation was intended, the bill is defective in not expressly so providing; for double taxation for the same property is in the nature of a penalty, which must be expressed upon the face of the law, and can not be mere matter of inference. And if, instead of double taxation, it was intended, as expressed in the bill, that the owner of the stock should only be taxed in the town from which he has removed, and not in the town where he resides, then it may deprive the latter town of the benefit of his grand list, not for any fault of that town, or of its officers, but as the result of the voluntary omission of the taxpayer, and at the same time give to such taxpayer full power to elect, in which town he will be taxed for his bank stock,—a very convenient power for him to have, in a case where the rate of taxation in the town to which he removes exceeds that of the town from which the removal is made, but entirely at variance with the policy of the general laws of the State upon the subject of taxation.

I am unable to determine from the terms of the bill, whether it was intended merely to impose a duty upon the taxpayer, and to provide that his omission to perform that duty should not operate to enable him to escape taxation in some town, or whether it was also intended to provide, that he might be taxed in both towns, as a penalty for his omission to perform the duty. And in either view the terms of the bill are so indefinite, and could so obviously induce litigation in order to

obtain a judicial construction of its intent, that I am unwilling to give it my approval,—although, if a bill was carefully drawn in either aspect, it might provide a very proper remedy for an existing mischief.

I therefore respectfully return the bill to the Senate for their further consideration.

PETER T. WASHBURN.

COMMUNICATION FROM GOVERNOR PAGE IN RELATION
TO THE ETHAN ALLEN MONUMENT.

*To his Excellency, John B. Page,
Governor of Vermont :*

The Committee, George P. Marsh and John N. Pomeroy, to whom was entrusted the erection of the monument to the memory of Ethan Allen in Green Mount Cemetery, in Burlington, consisting of a Tuscan column of granite, forty-two feet in height; and who were authorized by an act of the Legislature, approved November 9, 1857, to procure to be placed upon said monument a heroic statue, in granite or marble, of that distinguished patriot, without expense to the State; would respectfully report, that under the authority of said act, they corresponded with various artists as to the terms upon which they would execute the work, and their designs for the same.

The Committee decided in favor of Mr. Larkin G. Mead, Jr., then a young and promising artist of Brattleboro—and under their auspices and encouragement, Mr. Mead constructed a model of the statue, and in October, 1858, the Committee made an official visit to Brattleboro, for the purpose of inspecting the model, which, after such inspection, they approved and adopted; and Mr. Mead was authorized to aid in obtaining contributions for the statue, and to proceed with the construction, as soon as the receipts would warrant it.

The mode adopted for raising the necessary funds was successful, (being an appeal to Vermonters alone for a contribution of one dollar each) and resulted in the net receipt of less than seven hundred dollars. The subsequent delay in the prosecution of the undertaking was chiefly owing to the refusal of the Legislature, in October, 1858, to pass the bill appropriating one thousand dollars in aid of the Committee, and the distracting effect of the act of the Legislature of October, 1859, appropriating the sum of two thousand dollars for a like statue of the same distinguished patriot to be located at Montpelier—and the subsequent adoption of the artist and model, already selected by the Committee and the appropriation of the marble block, valued at some hundreds of dollars, which had been generously proffered to carry out the design of the Committee. This act of the Legislature was in the nature of a *super-sedeas* to the action of the Committee, as it could hardly be supposed that the State was about to erect, or cause to be erected, simultaneously, two statues to one Allen—particularly, when on the same distinguished

roll, thus unhonored, there stood prominently the names of another Allen, a Chittenden, and a Warner.

The course of the Committee has been modified in view of such a contingency—and this, with the then unextinguished excitement of the public on the subject of the removal of the State House, and the almost total absorption of all other interests by our civil war, will furnish the additional motives and reasons for the prolonged delay in the execution of their commission. But it has not been without its good results—local prejudices and jealousies, it is believed, are allayed, and a better state of feeling exists. The sum of six hundred and forty-two dollars and fifty cents, being the net amount received by the Committee on the subscription, has, in the meantime, by judicious investment, been increased to the sum of fifteen hundred and seventy-two dollars and ninety-six cents.

Under these circumstances and entertaining the views above stated, the Committee are desirous of closing the commission entrusted to them without a further effort to add to the fund already realized; and to that effect they would respectfully propose to the State, without expense to the same, the removal of the statue, so illy adapted to its position in the Capitol at Montpelier, to the monument at Burlington, for which it was originally designed, and to construct a substantial and ornamental enclosure around said monument, which its proper protection requires.

The Committee, conscious of no local influence or bias in this matter, have spoken plainly and directly, and the more so from a conviction that the people will welcome and ratify the acceptance of a proposition thus, at length, to complete a monument so appropriate to its object and so honorable to the State.

All which is respectfully submitted by

JOHN N. POMEROY, *for Committee.*

BURLINGTON, September 3, 1869.



REPORT OF THE TRUSTEES OF THE STATE LIBRARY.

To the General Assembly of the State of Vermont :

The Trustees of the State Library in pursuance of the requirements of law, report that the additions to the Library since the last annual report have been as follows :

	Volumes.
By exchange with States, Societies, &c.....	659
By donation.....	97
By purchase of Little, Brown & Co., Boston.....	67
By " H. O. Houghton & Co. "	69
By " George B. Reed, "	69
By " S. G. Drake, "	7
By " others,	4
By exchange with Henry Stevens, London.....	931

Total number of volumes.....1903

A list in detail of the above is hereto appended, and also of all books and documents sent from the Library during the year.

The annual average of volumes added to the Library the past five years from the usual sources beyond those printed by the State, has been 485.

This year the number has swelled to 1903 volumes.

In examining and preparing the Library for a Catalogue, so many of the sets of Documents were deficient that a final effort has been made to complete them before the Catalogue should be attempted. And the working months of the year have been fully occupied in corresponding and exchanging with the Libraries and Institutions on our list of exchanges, and in completing and binding up sets of Vermont Documents. And this has been so thoroughly done that the labor need hardly be repeated.

Among those States which have responded most liberally to complete our sets of State Documents are Georgia, Michigan, Illinois, New Hampshire, Ohio, Iowa, South Carolina, Virginia, Louisiana and Maine. And those from which no responses were obtained are Florida, Alabama, Mississippi, and Delaware. With these last named States the Librarian did not succeed in opening a correspondence in regard to their completing our sets of their State Documents.

The exchange effected with Henry Stevens to the extent of 931 volumes, for as many volumes of duplicates lying in our library, has been an inexpensive method of furnishing an interesting and valuable addition to the Departments of English Legislation and American History.

The Trustees regard a complete set of the "English Statutes" as

the next purchase that will require an extra appropriation. This is recommended as soon as the Legislature shall deem the condition of the Treasury will warrant the expenditure.

Respectfully submitted.

PETER T. WASHBURN,

President of Board of Trustees.

CHARLES REED, *Secretary.*

Montpelier, November 8, 1868.

LIST OF BOOKS

Received at the Vermont State Library for the year ending November 1st, 1869.

E X C H A N G E S .

ALABAMA.

Alabama Reports, Vol. 41; Laws, 1868, two copies.

ARIZONA.

Nothing.

ARKANSAS.

A uditor's Report, &c., 1868.

CANADA.

Upper Canada, Queen's Bench Reports, Vol. 26; Lower Canada, Reports, Vol. 16; Journal of Senate and House of Commons, 1867-8; Sessional Papers, 1867-8, 6 vols.; Public Accounts, 1867-8; Statistics, 1866, Part 1; Crown Lands, 1866; P. M. Gen., 1866; Public Works, 1867-8.

CALIFORNIA.

California Reports, Vol. 35; House and Senate Journals, 12th session; ditto, 17th session, two copies; Legislative Documents, 13th session.

COLORADO.

Revised Statutes, Vol. 1.

CONNECTICUT.

Connecticut Reports, Vol. 34; Colonial Records, 1689 to 1706; History of Connecticut during the Recent War; Public Acts for 1866-7-8; Private Acts, 1868; House and Senate Journals, 1868; Laws relating to Education, three copies; Legislative Documents, 1868.

DAKOTA.

Laws 1867 and 1868; Council and House Journals, 1868.

GEORGIA.

Georgia Decisions; Georgia Reports, Vols. 29, 34, 35, 36, 37; Case of *White vs. Clements*; Bacon's Digest of Reports; Schley's Digest; Prince's Digest; Cobb's Statutes and Forms; Dawson's Compilations; Code of Georgia, 1863; Code of Georgia, Irwin, 1868; Laws of Georgia, 17 vols.; Convention Journals, 5 vols.; House Journals, 39 vols.; Senate Journals, 41 vols.

IDAHO.

Laws of 1st, 2d and 3d Sessions.

ILLINOIS.

Illinois Reports, vols. 39, 40, 41, 42, 43; Adjutant General's Report, vols. 5, 6, 7, 8; 6th and 7th Reports of Superintendent of Public Instruction; Transactions Illinois Agricultural Society, vols. 2, 3, 4, 5; Public Laws, 1837, 1869; Private Laws, 1853, &c., 6 vols.; Senate Journals, 10 vols.; House Journals, 11 vols.; Legislative Documents, 11 vols.

INDIANA.

Indiana Reports, vol. 28; Adjutant General's Report, 8 vols.

IOWA.

Iowa Reports, vols. 23, 24, 25; School Laws, 1868; Census of Iowa, 1859, 1863, 1867; House Journals, 8 vols.; Senate Journals, 7 vols.; Legislative Documents, 2 vols.

KANSAS.

Kansas Reports, vol. 4; General Statutes, 1868, two copies; Laws, 1869; Senate Journals, 6 vols.; House Journals, 5 vols.

KENTUCKY.

Bush's Reports, vols. 1, 2, 3.

LOUISIANA.

Nothing.

MAINE.

Maine Reports, vol. 54; Water Power of Maine, seven copies; Report on Common Schools, 1867; Acts and Resolves, Public Documents, Legislative Documents and Legislative Manual, 1868.

MARYLAND.

Maryland Reports, vols. 25, 26, 27, 28.

MASSACHUSETTS.

Allen's Reports, 11, 12, 13, 14; Gray's Reports, vol. 15; Massachusetts Reports, vols. 97, 98; Schouler's History of Massachusetts in the Civil War; Public Documents, 1867, 4 vols.; ditto 1868, 4 vols.; Acts and Resolves, 1868, two copies, 1869, two copies; Private Laws, vol. 11, two copies.

MICHIGAN.

Michigan Reports, vols. 13, 14, 17; School Reports, 4 vols.; Revised Statutes, 1838; Geological Reports and Survey, 3 vols.; Agricultural Reports, 14 vols.; Adjutant General's Reports, 3 vols.; Statistics, 1854, two copies; Convention Journals, 1850, 1867; House Journals, 10 vols.; Senate Journals, 12 vols.; Joint and Senate and House Documents, 29 vols.

MINNESOTA.

Minnesota Reports, vol. 12; Laws, Senate and House Journals, and Executive Documents, 1868.

MISSISSIPPI.

Nothing.

MISSOURI.

Missouri Reports, vols. 42, 43; Laws, 1869.

NEBRASKA.

Nothing.

NEVADA.

Nevada Reports, vol. 4, two copies; Statutes, Senate and Assembly Journals, 1869, two copies each.

NEW YORK.

New York Reports, vols. 37, 38, 39; Barbour's Supreme Court Reports, vols. 50, 51, 52; Parker's Criminal Reports, vol. 6; Laws and Ordinances of New Netherlands, 1638, 1674; Laws, 1868, vols. 1, 2; Senate and Assembly Journals and Documents, 1868, 26 vols.; Journal and Documents of Constitutional Convention, 13 vols.; Journals and Documents, 1854. 1855, 5 vols.; Documents, 1853, 4 vols.; Regent's Report, 1868; Library Report, 1869; Prison Report, 1868; Manual, 1869.

NEW HAMPSHIRE.

New Hampshire Reports, vol. 47; Morrison's Digest; Compiled Statutes, 1853; Transactions N. H. Agricultural Society, 1850 to 1860; Education Report, 1868; Laws, House and Senate Journals, 10 vols.

NEW JERSEY.

New Jersey Equity Reports, vols. 14, 18, 19; New Jersey Law Reports, vol. 32; Geological Survey and Maps; Laws, House and Senate Journals and Assembly Documents, 1869.

NEW MEXICO.

Nothing.

NORTH CAROLINA.

Nothing.

OREGON.

Oregon Reports, vol. 2.

OHIO.

Ohio State Reports, vol. 17; Ohio Digest; Curwen's Revised Statutes, vol. 4; Supplement to Revised Statutes, Swan & Sawyer; Agricultural Report, 1866; Senate and House Journals, 1867, 1868; Pamphlet Reports, 1867, 1868; Railway Reports, 1867, 1868; Executive Documents, 1863, vol. 2, and 1867, Parts 1, 2; Auditor's Report, 1867; Statistics of Ohio, 1867-8; Session Laws, 1868-9; Agricultural Report, 1868.

PENNSYLVANIA.

Pennsylvania State Reports, vol. 56; Executive Documents, School Report, and Auditor General's Report, 1868; Legislative Documents, Laws, House and Senate Journals, and Legislative Hand Book, 1869.

RHODE ISLAND.

Acts, Resolves and Reports, 11 vols.; 4th Supplement of Public Laws; Public School Acts, 1867; Report of Insurance Com., 1867; Reports on Public Schools, 9 vols.; Colonial Records, Vol. 9; 11 Pamphlet Reports and Historical Sketches.

SOUTH CAROLINA.

Richardson's Equity Reports, vols. 12, 13; ditto, Law Volumes, 13, 14; Laws, 1860 to 1866 & 1868, and 1868-9.

TENNESSEE.

Caldwell's Reports, vols. 4, 5; Safford's Geology; Laws, House and Senate Journals, 1867; 1868; 1868-9.

TEXAS.

Supplement to Volume 25, Texas Reports.

UTAH.

Nothing.

VIRGINIA.

Grattan's Reports, vol. 18; Herring's Statutes, 9 vols.; Shepherd's Continuation, 3 vols.; Convention Journal and Documents, 1850-1, 2 vols.

WEST VIRGINIA.

Constitution and Statutes, 1861-66; Senate and House Journals, 6 vols.; Laws, 2 vols.; Adjutant General's Report, 4 vols.; Treasurer's, Regents, Auditor's and School Reports, 1868; Message and Documents, 1866.

WASHINGTON.

Nothing.

WISCONSIN.

Wisconsin Reports, vols. 16, 17, 21; Simmon's Digest.

UNITED STATES.

Roll of Honor, Nos. 17, 21, 23; Commercial Relations, 1867; Land Office Report, 1867; Catalogue of Books added to Library of Congress, 1868; House Journal, 2d Session, 40th Congress, three copies; Astronomical Observations, 1866; Commerce and Navigation, No. 29; Coast Survey, 1866.

SMITHSONIAN INSTITUTION.

Geological Report on Londonderry, &c., two copies; Report on Geology of Trinidad; Cephalopodes Siluriens, &c., two copies; Defence de Colonies; Proceedings and Reports of Academie der Wissenschaften, 12 vols.

AMERICAN ANTIQUARIAN SOCIETY.

Proceedings, October 21, 1868, and April 28, 1869.

NEW HAMPSHIRE HISTORICAL SOCIETY.

Collections, Vol. 5.

RHODE ISLAND HISTORICAL SOCIETY.

Collections, Vol. 6; City Documents of Providence, two pamphlets.

MASSACHUSETTS HISTORICAL SOCIETY.

Proceedings, 1867, 1869.

*D O N A T I O N S .**COL. W. H. H. DAVIS, DOYLESTOWN, PENNSYLVANIA.*

History of the 104th Pennsylvania Regiment.

HON. J. S. MORRILL.

Smithsonian, Agricultural and Land Office Reports, 1867; Commerce and Navigation, 1867; Message and Documents, 8 vols.

DAWSON BROTHERS, MONTREAL.

Canadian Naturalist, June 1869.

GEORGIA HISTORICAL SOCIETY.

Stevens' History of Georgia, Vol. 2.

JOHN A. VINTON.

Vinton Memorial; Giles Memorial.

HON. WORTHINGTON C. SMITH.

Reports on Northern Pacific Railroad, &c., three pamphlets; Speech of Hon. William Windon,

PUBLIC LIBRARY, BOSTON.

Annual Report, 1867.

HON. E. P. WALTON.

Congressional Globe, vol. 26: Constitution of the United States, Manual and Rules, 1861: Boston Railroad Jubilee, 1851: Obituary Addresses on Zackery Taylor, Daniel Webster, Henry Clay, H. W. Davis and Solomon Foot.

AMERICAN PHARMACEUTICAL ASSOCIATION.

Proceedings at annual meetings, 1851 to 1868.

ESSEX INSTITUTE.

Historical Collections, Part 2 of Vol. 1, 2d Series: Bulletin Vol. 1, No. 1.

HON. JAMES BARRETT.

Memorial Address of the author on the Life and Character of Hon. Jacob Collamer, ten copies.

JOHN ALEXANDER JAMESON, CHICAGO.

The American Constitutional Convention.

LIEUT. S. P. JOCELYN, PER GEN. W. W. GROUT.

Laws of the Cherokee Nation.

SIMON STEVENS, ESQ., NEW YORK CITY.

Tehuantepec Railway Company, 1869.

D. B. EATON, NEW YORK CITY.

Report of Metropolitan Board of Health.

TOWN OF MONTPELIER.

Auditor's Report, Boston, 57th.

PROF. BENJ. PEARCE.

Coast Survey, 1866.

CALVIN WADHAMS, ESQ., WILKESBARRE, PA.

Great Disaster at Avondale Colliery, September 6, 1869.

TOWN OF ROYALTON.

Old Vermont Session Laws and Journals, 3 vols.

TOWN OF SHARON.

Vermont Assembly Journals, 1821.

TOWN OF RANDOLPH.

Old Vermont Session, Laws and Journals, between the years 1793 and 1820, 40 vols.

UNITED STATES.

Received from Department of the Interior, for Distribution, 102 copies each of Little, Brown & Company's Edition of the Laws of Congress, 1st Session 41st, and 2d and 3d Sessions 40th.

PURCHASE OF HOUGHTON & CO.

Bayard Taylor's Works, 13 vols.; Dickens's Works, Globe Edition, 14 vols.; History of Congregationalism, 3 vols.; Madame De Stael's Germany, 2 vols.; South's Sermons, 2 vols.; Van Buren's Political Parties in the U. S., 1 vol.; Charities of New York, 1 vol.; Gould's Statistics of the Army of U. S., 1 vol.; Cyclopaedia of Biography, 1 vol.; Brief Biographical Dictionary, 1 vol.; Authorship of Shakespeare, 1 vol.; Fredrika Bremer, Life of, 1 vol.; Homespun, 1 vol.; Ambrose's Letters, 1 vol.; Macauley's Speeches, &c., 2 vols.; Life of John Carter, 1 vol.; Voltaire's Charles the Twelfth, 1 vol.; Palgrave's Essays on Art, 1 vol.; Pascal's Letters, 1 vol.; Darley's Sketches, 1 vol.; Life of Gov. Andrew, 1 vol.; Philosophy of Eating, 1 vol.; How not to be Sick, 1 vol.; Argentine Republic, by Sarmiento, 1 vol.; Blennerhassett Papers, 1 vol.; Conybeare & Howson's Life and Epistles of St. Paul, 2 vols.; Charles Lamb's Works, 5 vols.; Poe's Works, 4 vols.; D'Israeli's Character of Men of Genius, 1 vol.; Calamities of Author's, 1 vol.; Quarrels of Authors, 1 vol.

PURCHASE OF GEO. B. REED.

Carthage and Tunis, 1 vol.; Bellow's Old World, 2 vols.; Pollard's Lost Cause, 1 vol.; Life of Madison, Vol. 3, 1 vol.; Everett's Orations, Vol. 4, 1 vol.; Life of Halleck, 1 vol.; Marsh's Origin of the English Language, 1 vol.; Chips from a German Work Shop, 2 vols.; Life of Stephenson, 1 vol.; Second Mass. Infantry, 1 vol.; Help's Spanish Conquest, Vol. 4, 1 vol.; Book of Artists, 1 vol.; De Costa's Lake George, 1 vol.; Amory's Life of Sullivan, 1 vol.; Hayne's Prison Life, 1 vol.; Woolsey on Divorce, 1 vol.; Dana's Two Years, 1 vol.; Upham's Witchcraft, 2 vols.; Memoir of Madame Reidesel, 1 vol.; Loosing's Field Book of War of 1812, 1 vol.; Annual of Scientific Discovery, 1869, 1 vol.; Illustrated Library of the Wonders of Nature, 8 vols.; Subjection of Women, 1 vol.; Atlantic Monthly, 2 vols.; Draper's Civil War, 1 vol.; Motley's Hist. of United Netherlands, 2 vols.; Crabb's Synonyms, 1 vol.; Old Roman World, 1 vol.; Mahan's Civil Engineering, 1 vol.; Annual Cyclopaedia, 1868, 1 vol.; Stone's Life of Johnson, 2 vols.; Christian Examiner, 7 vols.; Rambles among Words, 1 vol.; Halliwell's Dictionary, 2 vols.; Moore's Rebellion Record, 8 vols.; Elliott's Narrative of Gospel, 1 vol.; Whipples' Characteristic Men, 1 vol.; Oct. No. 1866 North American Review, 1 vol.; Bushnell's Woman Suffrage, 1 vol.; Tooke's Diversions of Purley, 1 vol.; Biographical Sketches, by Martineau, 1 vol.; Half Century with Juvenile Delinquents, 1 vol.; Carpenter's Juvenile Delinquents, 1 vol.; Greeley's Recollections of a Busy Life, 1 vol.; Grey's Literary and Social Judgments, 1 vol.; New England Tragedies, 1 vol.; Milman's History of the Jews, 1 vol.; Homes without Hands, 1 vol.; Abbot's Jesus of Nazareth, 1 vol.; Ellwell's Malpractice, 1 vol.; Darwin's Varieties of Animals, 1 vol.; Botta's Life of Dante, 1 vol.

H. N. SHELDON, BOSTON.

American Law Register, 1 vol.

MRS. S. P. S. CUTTS.

Life of William Jarvis, 1 vol.

S. G. DRAKE, BOSTON.

Allen's Biographical Dictionary; Morton's do. do.; Sketches of Dartmouth College; Thorneton's Pulpit of the American Revolution; Tracy's Awakening; Transactions of the Ohio Historical Society; Transactions of the Methodist Historical Society.

LITTLE, BROWN & CO.

Ashmead's Reports, Pa., 2 vols.; Miles' do. do., 2 vols.; Rawle's do. do., 5 vols.; Wheaton's do. do., 6 vols.; Smede and Marshall's Reports, Vol. 5, 1 vol.; Humphrey's do., Vol. 4, 1 vol.; Kelly's Georgia do., Vol. 3, 1 vol.; Walker's Miss. do., 1 vol.; Texas do., Vol. 2, 1 vol.; Iredell's Equity do., Vol. 2, 1 vol.; Devereux's N. C. do., Vols. 1, 2, 3, 3 vols.; Brightley's Fed. Digest; Hilliard's Vendors; Stevens and Porter's Reports, Vol. 3; Dudley's Georgia do.; Arkansas do., Vol. 13; Devereux's N. C. Equity do., 2 vols.; Busbee's N. C. Law do., 1 vol.; Busbee's N. C. Equity do.; Wright's Nisi Prius do.; Riley's S. C. Equity and Law do.; Cheve's Chancery Cases; Richardson's do. do.; Zabriskie's N. J. Reports, Vol. 3; Howard's Practice do., Vols. 34-36, 3 vols.; Grant's Cases, 3 vols.; Brightley's Reports; Clarke's Chancery do.; Iredell's N. C. Equity Reports, Vol. 1; T. U. P. Charlton's do.; Maine's Ancient Law; Code Civil, Lower Canada; Adam's Equity; Angell's Limitations; Conkling's Treatise; Reeves' Eng. Law, 3 vols.; Leading Cases in Equity, 3 vols.; Brown's Legal Maxims; Wallace's Reporter; Wallace's Reports, Vol. 6; U. S. Digest, Vol. 26; Smith on Contracts; Dean's Medical Jurisprudence; Clifford's Reports, Vol. 1.

S. B. PIPER & CO.

Dickeson's American Numismatic Manual.

MRS. HOADLEY.

Christ and the Gallows.

HENRY STEVENS, LONDON.

BY EXCHANGE.

Acts of Assembly Island of Jamaica, 1681 to 1737, 1 Vol.; Index to Statutes at Large, 1801 to 1865, 2 vols.

PARLIAMENTARY DOCUMENTS.

Lords Journals, vol. 1 to 31, from 1509 to 1767, 31 vols.; Lords Calendar, Vols. 1 and 2, from 1642 to 1826, 2 vols.; General Index to Lords Journals, vols. 1 and 2 of vols. 1 to 19, 2 vols.; Commons Journals, vols. 9 to 36, from 1667 to 1778, 28 vols.; do. do. vols. 100 to 118, from 1845 to 1863, 20 vols.; do. do. Index of vols. 1 to 75, 7 vols.; Rolls of Parliament, from 1278 to 1503, 6 vols.; Index to same, 1 vol.; Parliamentary Reports, &c., 1857-8, vols. 1 to 62, except vol. 25 and part 1 of vol. 38, 69 vols.; do. do. 1859, vols. 1 to 27, 29 vols.; do. do. 1859, 2d Session, vols. 1 to 35, 39 vols.; do. do. 1860 vols. 1 to 73, 74 vols.; do. do. 1861, vol. 1 to 69, 74 vols.; do. do. 1862, vols. 1 to 66, 67 vols.; do. do. 1863, vols. 1 to 76, except vols. 38, 51-58 and 61, 74 vols.

HISTORICAL.

Propagation of Christianity, Brown, 2 vols.; Propagation of Christianity, Gillies, 2 vols.; Charlevoix *Historie De La Nouvelle France*, Paris, 1744, 6 vols.; Universal History, (18th and 20th vols. missing.) 21 vols.; Universal History, Modern Part, (19th and 37th vols. missing.) 44 vols.; Andrew's History of the War with America, France and Spain, London, 1765, 4 vols.; Gordon's America, 14 vols.; Stedman's American War, Dublin, 1794, 2 vols.; Warden's Account of the United States, 3 vols.; History of the West Indies, Edwards, 3 vols.; Southey's History of the West Indies, 3 vols.; Raynal's History of the Indies, 7 vols.; Ross' History of the World, 1652, 1 vol.; History of the Popes, London, 1748, Bower, 2 vols.; Statistical Annals of America, Seybert, Philadelphia, 1818, 1 vol.; Robertson's History of America, 2 vols.; History of Greece, Gillies, 2 vols.; Modern History Illustrated, Dublin, 1755, quarto, 6 vols.; Robertson's America, 4 vols.; Winterblotham's History of America, 4 vols.; European Settlements, London, 1758, 2 vols.; Conquest of Mexico, from the Spanish of De Solis, 2 vols.

TRAVELS AND VOYAGES.

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nard.

BY HIS EXCELLENCY,
PETER T. WASHBURN,
GOVERNOR OF THE STATE OF VERMONT.

A PROCLAMATION.

It becometh the people of a Christian State, who acknowledge the Supreme Ruler of the Universe as the bountiful bestower of all gifts and the source of all blessings, to unite in reverently returning thanks to him for his kindness and preserving care in the past, and in craving with earnest supplication a continuance of his abundant providence for the future. For this, and in accordance with the usage of our fathers, I do appoint THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER next, to be observed as a day of THANKSGIVING AND PRAISE TO ALMIGHTY GOD. And I do enjoin upon all the people of this State, that on that day, suspending their ordinary and secular employments, they do unite with each other, and with the people of the Nation, in the rendition of thanks and ascription of praise to Him, who has bestowed upon us prosperity, peace and freedom throughout the land, for all his mercies.

Given under my hand and the Seal of the State, in Executive Chamber at Montpelier, this twenty-eighth day of October, in the year of our Lord one thousand eight hundred and sixty-nine, and of the Independence of the United States the ninety-fourth.

PETER T. WASHBURN.

By the Governor:

JOHN W. MARSH, *Secretary of Civil and Military Affairs.*

BY HIS EXCELLENCY,
GEORGE W. HENDEE,

Governor of the State of Vermont.

A PROCLAMATION.

For a Day of Fasting, Humiliation and Prayer.

I do hereby appoint FRIDAY, THE FIFTEENTH DAY OF APRIL, to be observed by the people of this State as a day of FASTING, HUMILIATION AND PRAYER.

On this day let us cast off the burdens of business life, and offer humble petitions to God, "the giver of every good and perfect gift," that our people may for the year, and all time, have the enjoyment of health and peace, and their labors be rewarded with an abundant harvest.

Let us especially remember in our prayers the poor and the oppressed, the widow and the orphan, and ask for such the favor of a kind Father.

Let us devoutly acknowledge our dependence upon God, and seek at His tribunal forgiveness of our sins. Let us commit to Him the welfare of our country and its people, and invoke for our Rulers and those in official charge, that wisdom and discretion which shall secure "the greatest good to the greatest number."

Let us as a people on that day, remember with sadness the recent event which has removed from among us a great and good man, and an excellent Governor. In the death of our late Chief Magistrate, PETER T. WASHBURN, the State sustains a great loss. It is befitting that we recognize this loss with appropriate prayer and mourning.

I would recommend that the different religious societies meet in their accustomed places of public worship for such service as may seem to them most proper.

Given under my hand and the Seal of the State, at Merristown, this seventeenth day of March, in the year of our Lord, one thousand eight hundred and seventy, and of the Independence of the United States the ninety-fourth.

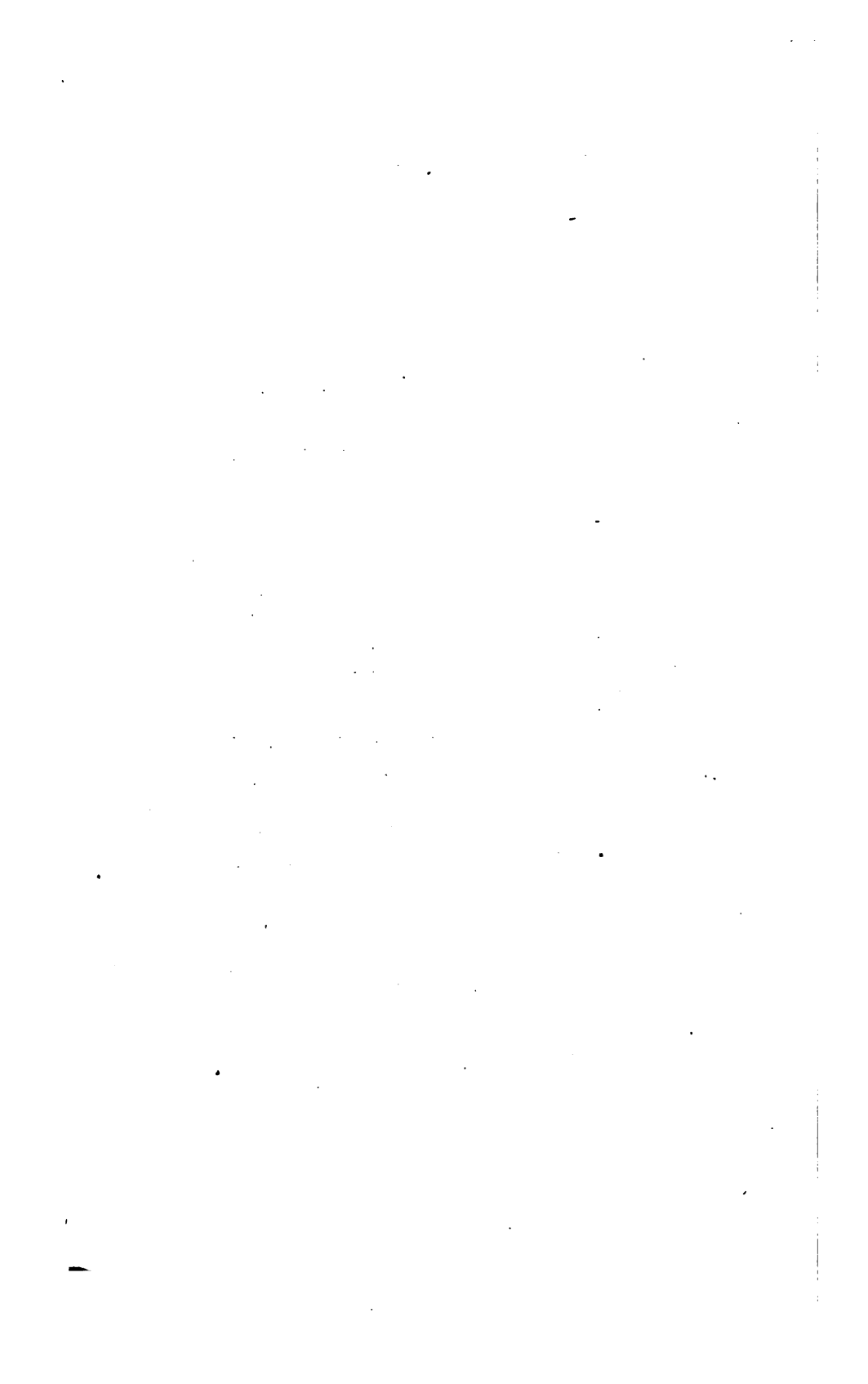
GEORGE W. HENDEE.

By the Governor,

JOHN W. MARSH, *Secretary of Civil and Military Affairs.*



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